THE

WAR OF THE REBELLION:

A COMPILATION OF THE

OFFICIAL RECORDS

OF THE

UNION AND CONFEDERATE ARMIES.

PUBLISHED UNDER THE DIRECTION OF
The Hon. ELIHU ROOT, Secretary of War,
BY
BRIG. GEN. FRED C. AINSWORTH,
CHIEF OF THE RECORD AND PENSION OFFICE, WAR DEPARTMENT,
AND
MR. JOSEPH W. KIRKLEY.

SERIES IV—VOLUME I.

WASHINGTON:
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1900.

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PREFACE.

The work of preparing the records of the war for public use was begun, under the resolution of Congress of May 19, 1864, by Col. E. D. Townsend, assistant adjutant-general, U. S. Army (then in charge of the Adjutant-General's Office, and subsequently the Adjutant-General), who caused copies to be made of reports of battles on file in his office and steps to be taken to collect missing records.

Under the provisions of joint resolution of July 27, 1866, Hon. Peter H. Watson was appointed to supervise the preparation of the records and to formulate a plan for their publication, but he performed no service under this appointment, which expired July 27, 1868, by limitation. This resolution having also repealed the former one, the project was suspended for the time being.

The first decisive step taken was the act of June 23, 1874, providing the necessary means "to enable the Secretary of War to begin the publication of the Official Records of the War of the Rebellion, both of the Union and Confederate Armies," and directing him "to have copied for the Public Printer all reports, letters, telegrams, and general orders, not heretofore copied or printed, and properly arranged in chronological order." Appropriations have been made from time to time for continuing such preparation. Under this act the preliminary work was resumed by General Townsend.

Subsequently, under meager appropriations, it was prosecuted in a somewhat desultory manner by various subordinates of the War Department until December 14, 1877, when the Secretary of War, perceiving that the undertaking needed the undivided attention of a single head, detailed Capt. Robert N. Scott, Third U. S. Artillery (subsequently major and lieutenant-colonel same regiment), to take charge of the office.

The act of June 23, 1874, enlarged upon the first scheme of publication. On this more comprehensive basis it was determined that the volumes should include not only the battle reports, correspondence, etc., in possession of the War Department, but also "all official documents that can be obtained by the compiler, and that appear to be of any historical value." Colonel Scott systematized the work, and, upon his recommendation, the Secretary of War approved the following order of publication:

The first series will embrace the formal reports, both Union and Confederate, of the first seizures of United States property in the Southern States, and of all military operations in the field, with the correspondence, orders, and returns relating specially thereto, and, as proposed, is to be accompanied by an Atlas.

In this series the reports will be arranged according to the campaigns and several theaters of operations (in the chronological order of events), and the Union reports of any event will, as a rule, be immediately followed by the Confederate accounts. The correspondence, etc., not embraced in the "reports" proper will follow (first Union and next Confederate) in chronological order.

The second series will contain the correspondence, orders, reports, and returns, Union and Confederate, relating to prisoners of war, and (so far as the military authorities were concerned) to state or political prisoners.

The third series will contain the correspondence, orders, reports, and returns of the Union authorities (embracing their correspondence with the Confederate officials) not relating specially to the subjects of the first and second series. It will set forth the annual and special reports of the Secretary of War, of the General-in-Chief, and of the chiefs of the several staff corps and departments; the calls for troops, and the correspondence between the National and the several State authorities.

The fourth series will exhibit the correspondence, orders, reports, and returns of the Confederate authorities, similar to that indicated for the Union officials, as of the third series, but excluding the correspondence between the Union and Confederate authorities given in that series.

The first volume of the records was issued in the early fall of 1880. The act approved June 16, 1880, provided "for the printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the Official Records (Union and Confederate) of the War of the Rebellion, so far as the same may be ready for publication, during the fiscal year;" and that "of said number 7,000 copies shall be for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 1,000 copies for the use of the Executive Departments." Under this act Colonel Scott proceeded to publish the first five volumes of the records.*

*All subsequent volumes have been distributed under the act approved August 7, 1882, which provides that:

"The volumes of the Official Records of the War of the Rebellion shall be distributed as follows: One thousand copies to the Executive Departments, as now provided by law. One thousand copies for distribution by the Secretary of War among officers of the Army and contributors to the work. Eight thousand three hundred copies shall be sent by the Secretary of War to such libraries, organizations, and individuals as may be designated by the Senators, Representatives, and Delegates of the Forty-seventh Congress. Each Senator shall designate not exceeding twenty-six, and each Representative and Delegate not exceeding twenty-one, of such addresses, and the volumes shall be sent thereto from time to time as they are published, until the publication is completed. Senators, Representatives, and Delegates shall inform the Secretary of War in each case how many volumes of those heretofore published they have forwarded to such addresses. The remaining copies of the eleven thousand to be published, and all sets that may not be ordered to be distributed as provided herein, shall be sold by the Secretary of War for cost of publication with ten per cent. added thereto, and the proceeds of such sale shall be covered into the Treasury. If two or more sets of said volumes are ordered to the same address, the Secretary of War shall inform the Senators, Representatives, or Delegates who have designated the same, who thereupon may designate other libraries, organizations, or individuals. The Secretary of War shall report to the first session of the Forty-eighth Congress what volumes of the series heretofore published have not been furnished to such libraries, organizations, and individuals. He shall also inform distributees at whose instance the volumes are sent."

Colonel Scott died March 5, 1887. At his death some twenty-six books only had been issued, but he had compiled a large amount of matter for forthcoming volumes; consequently his name as compiler was retained in all the books up to and including Vol. XXXVI, although his successors had added largely to his compilations from new material found after his demise.

The Secretary of War, May 7, 1887, assigned Lieut. Col. H. M. Lazelle, Twenty-third U. S. Infantry, to duty as the successor of Colonel Scott. He had continued in charge about two years, when, in the act approved March 2, 1889, it was provided—

> That hereafter the preparation and publication of said records shall be conducted, under the Secretary of War, by a board of three persons, one of whom shall be an officer of the Army, and two civilian experts, to be appointed by the Secretary of War, the compensation of said civilian experts to be fixed by the Secretary of War.

The Secretary of War appointed Maj. George B. Davis, judge-advocate, U. S. Army, as the military member, and Leslie J. Perry, of Kansas, and Joseph W. Kirkley, of Maryland, as the civilian expert members of said board. The board assumed direction of the publication at the commencement of the fiscal year 1889, its first work beginning with Serial No. 36 of Vol. XXIV.

July 1, 1895, by direction of the Secretary of War, Maj. George W. Davis, Eleventh U. S. Infantry (subsequently lieutenant-colonel Fourteenth U. S. Infantry), relieved Maj. George B. Davis as the military member and president of the Board of Publication. Subsequently Col. Fred C. Ainsworth, Chief of the Record and Pension Office, War Department, was appointed the military member and president of the board, relieving Lieut. Col. George W. Davis June 1, 1898.

December 1, 1898, under the provision of the sundry civil act of July 1, 1898, relative to the War Records Office, the Board of Publication was dissolved, whereupon, by direction of the Secretary of War, the continuance of the work, beginning with Vol. VI, Series II, devolved on Colonel (now Brigadier-General) Ainsworth.

By operation of law (contained in "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1900," approved February 24, 1899), the War Records Office was merged into the Record and Pension Office, July 1, 1899, and since that date the work of publication has been conducted under the supervision of the chief of that office.

Each volume includes a copious index, and for the further convenience of investigators there will be, in addition, a separate general index to the entire set.

Nothing is printed in these volumes except duly authenticated contemporaneous records of the war. The scope of the compiler's work is to decide upon and arrange the matter to be published; to correct and verify the orthography of the papers used, and, wherever deemed necessary, to add a foot-note of explanation.

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SERIES IV.—VOL. I.

CORRESPONDENCE, ORDERS, REPORTS, AND RETURNS OF THE CONFEDERATE AUTHORITIES, DECEMBER 20, 1860–JUNE 30, 1862.*

AN ORDINANCE to dissolve the union between the State of South Carolina and other States united with her under the compact entitled "The Constitution of the United States of America."

We, the people of the State of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, That the ordinance adopted by us in convention on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and also all acts and parts of acts of the General Assembly of this State ratifying amendments of the said Constitution, are hereby repealed; and that the union now subsisting between South Carolina and other States, under the name of the "United States of America," is hereby dissolved.

Done at Charleston the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty.

JANUARY 2, 1861.

His Excellency A. B. MOORE:

SIR: In obedience to your instructions I repaired to the seat of government of the State of Louisiana to confer with the Governor of that State and with the legislative department on the grave and important state of our political relations with the Federal Government, and the duty of the slave-holding States in the matter of their rights and honor, so menacingly involved in matters connected with the institution of African slavery. Owing to the fact that the Legislature was in session only three days, and other unavoidable causes, I did not arrive at Baton Rouge until after the Legislature had adjourned. But I met many members of the legislative corps, and communicated with them and with His Excellency Governor T. O. Moore on the purposes of my embassy, and have the pleasure to report that the legislative mind appeared fully alive to the importance and the absolute necessity of the action of the Southern States in resistance of that settled purpose of aggression on our constitutional and inherent natural rights by the majority of the people of the non-slave-holding States of the Federal Union, which purpose and intention has culminated in

* The letters-sent books of the C. S. War Department from May 23 to September 12, 1862, were never received by the U. S. authorities. This will explain the want of continuity in the letters from that office covering the period mentioned.

the election of a man to the Presidency of the United States whose opinions and constructions of constitutional duty are wholly incompatible with our safety in a longer union with them. In evidence of such a conclusion the Legislature of Louisiana have provided for a convention of the people to consider and take action on the matter, the election of delegates to which takes place on the 7th instant, and the convention assembles on the 23d instant. I was rejoiced to find the Governor fully up to the conclusion that the time had come when the enjoyment of peace and our rights as coequals in this confederacy were no longer to be expected or hoped for, and that the solemn duty now devolved upon us of separating from all political connection with the States so disregarding their constitutional obligations, and of forming such a government as a high sense of our rights, honor, and future peace and safety shall indicate. And that, although the sense of the necessity of such a course may not yet be so nearly general and unanimous in Louisiana as in some other States, he was of the opinion that the conclusion was hourly gaining ground that there was no hope of justice or safety to us except in a separation, and that the State of Louisiana would not hesitate to co-operate with those Southern States who might prove equal to the emergency of decided action.

The State of Louisiana, from the fact that the Mississippi River flows through its extent and debouches through her borders, and that the great commercial depot of that river and its tributaries is the city of New Orleans, occupies a position somewhat more complicated than any other of the Southern States, and may present some cause of delay in the consummation and execution of the purpose of a separation from the Northwestern States and the adoption of a new political status. In consideration of these facts, more time may be required for reflection than might otherwise appear necessary, and as the convention does not assemble for some weeks, that may prevent action on the question until some time in February. As a point of policy it might be advisable for the State of Alabama to announce her intention as a foregone conclusion, a fixed fact, that on a day appointed our relations as a member of the political association known as the United States had ceased, and that Alabama, acting as a sovereign for herself in the act of separation, was prepared to form such political relations with States having a community of interest and sympathies as to them may seem just and proper. I feel assured that by such a course of respectful delay on our part other States would more promptly respond to whatever action Alabama may take, and that there is little or no doubt but that Louisiana will co-operate with the States taking action, and so add dignity and importance to the movement which is so essential to secure the respect and recognition of foreign nations and the support of hesitating States. Should it be considered advisable by Your Excellency to communicate further with the authorities of the State of Louisiana after her convention shall have assembled, I will be in Mobile, and can receive readily by mail or telegraph any instructions you may deem it advisable to make, and I will without delay endeavor to discharge them.

Trusting that the time has come when not only Alabama but the entire South will prove prepared to vindicate her honor by a fearless assertion of her rights and her determination to enjoy them,

Most respectfully, your obedient servant, &c.,

JOHN A. WINSTON.

[JANUARY 2, 1861.—For Governor Brown, of Georgia, to Governors Moore, of Alabama, Perry, of Florida, Moore, of Louisiana, and Pettus, of Mississippi, in regard to occupation of Fort Pulaski and other forts, see Series I, Vol. LIII, p. 114.]

KINLOCH, ALA., *January 3, 1860* [*1861*].

Governor ANDREW B. MOORE:

MY DEAR SIR: On receipt of your letter and appointment as commissioner from Alabama to Arkansas, I repaired at once to Little Rock and presented my credentials to the two houses, and also your letter to Governor Rector, by all of whom I was politely received. The Governor of Arkansas was every way disposed to further our views, and so were many leading and influential members of each house of the Legislature, but neither are yet ready for action, because they fear the people have not yet made up their minds to go out. The counties bordering on the Indian nations—Creeks, Cherokees, Choctaws, and Chickasaws—would hesitate greatly to vote for secession, and leave those tribes still under the influence of the Government at Washington, from which they receive such large stipends and annuities. These Indians are at a spot very important, in my opinion, in this great sectional controversy, and must be assured that the South will do as well as the North before they could be induced to change their alliances and dependence. I have much on this subject to say when I get to Montgomery, which cannot well be written. The two houses passed resolutions inviting me to meet them in the representative hall and consult together as to what had best be done in this matter. When I appeared men were anxious to know what the seceding States intended to do in certain contingencies. My appointment gave me no authority to speak as to what any State would do, but I spoke freely of what, in my opinion, we ought to do. I took the ground that no State which had seceded would ever go back without full power being given to protect themselves by vote against anti-slavery projects and schemes of every kind. I took the position that the Northern people were honest and did fear the Divine displeasure, both in this world and the world to come, by reason of what they considered the national sin of slavery, and that all who agreed with me in a belief of their sincerity must see that we could not remain quietly in the same Government with them. Secondly, if they were dishonest hypocrites, and only lied to impose on others and make them hate us, and used anti-slavery arguments as mere pretexts for the purpose of uniting Northern sentiment against us, with a view to obtain political power and sectional dominion, in that event we ought not to live with them. I desired any Unionist present to controvert either of these positions, which seemed to cover the whole ground. No one attempted either, and I said but little more. I am satisfied, from free conversations with members of all parties and with Governor Rector, that Arkansas, when compelled to choose, will side with the Southern States, but at present a majority would vote the Union ticket. Public sentiment is but being formed, but must take that direction.

I have the honor to be, truly, &c.,

DAVID HUBBARD.

[JANUARY 3(?), 1861.]

His Excellency A. B. MOORE,
Governor of the State of Alabama:

Under the authority of the commission with which you honored me I repaired to the city of Frankfort, in the State of Kentucky, on the 26th day of December last. The Legislature of that State was not in session, and no extra session had then been called by the Governor, so that I had no opportunity of conferring with the legislative department of the government. I was, however, most cordially received by the Governor, and immediately opened a consultation with His Excellency Beriah Magoffin, the Governor of the State of Kentucky.

The nature and result of that consultation is fully disclosed by the official correspondence between us, herewith submitted for your consideration. On the day after my arrival the Governor issued his proclamation convening the Legislature in extra session on the 17th day of January, "to take into consideration the interests of the Commonwealth, as the same may be involved in or connected with the present distracted condition of our common country."

Receive assurances of the highest consideration and esteem of your friend and obedient servant,

S. F. HALE.

[Inclosure No. 1.]

FRANKFORT, *December 27, 1860.*

His Excellency B. MAGOFFIN,
Governor of the Commonwealth of Kentucky:

I have the honor of placing in your hands herewith a commission from the Governor of the State of Alabama, accrediting me as a commissioner from that State to the sovereign State of Kentucky, to consult in reference to the momentous issues now pending between the Northern and Southern States of this confederacy. Although each State, as a sovereign political community, must finally determine these grave issues for itself, yet the identity of interests, sympathy, and institutions, prevailing alike in all of the slave-holding States, in the opinion of Alabama renders it proper that there should be a frank and friendly consultation by each one with her sister Southern States touching their common grievances and the measures necessary to be adopted to protect the interest, honor, and safety of their citizens. I come, then, in a spirit of fraternity, as the commissioner on the part of the State of Alabama, to confer with the authorities of this Commonwealth in reference to the infraction of our constitutional rights, wrongs done and threatened to be done, as well as the mode and measure of redress proper to be adopted by the sovereign States aggrieved to preserve their sovereignty, vindicate their rights, and protect their citizens. In order to a clear understanding of the appropriate remedy, it may be proper to consider the rights and duties, both of the State and citizen, under the Federal compact, as well as the wrongs done and threatened. I therefore submit for the consideration of Your Excellency the following propositions, which I hope will command your assent and approval:

1. The people are the source of all political power, and the primary object of all good governments is to protect the citizen in the enjoyment of life, liberty, and property; and whenever any form of government becomes destructive of these ends, it is the inalienable right and the duty of the people to alter or abolish it.

2. The equality of all the States of this confederacy, as well as the equality of rights of all the citizens of the respective States under the Federal Constitution, is a fundamental principle in the scheme of the federal government. The union of these States under the Constitution was formed "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to her citizens and their posterity;" and when it is perverted to the destruction of the equality of the States, or subtantially fails to accomplish these ends, it fails to achieve the purposes of its creation, and ought to be dissolved.

3. The Federal Government results from a compact entered into between separate, sovereign, and independent States, called the Constitution of the United States, and amendments thereto, by which these sovereign States delegated certain specific powers to be used by that Government for the common defense and general welfare of all the States and their citizens; and when these powers are abused, or used for the destruction of the rights of any State or its citizens, each State has an equal right to judge for itself as well of the violations and infractions of that instrument as of the mode and measure of redress; and if the interest or safety of her citizens demands it, may resume the powers she had delegated without let or hindrance from the Federal Government or any other power on earth.

4. Each State is bound in good faith to observe and keep on her part all the stipulations and covenants inserted for the benefit of other States in the constitutional compact (the only bond of union by which the several States are bound together), and when persistently violated by one party to the prejudice of her sister States, ceases to be obligatory on the States so aggrieved, and they may rightfully declare the compact broken, the union thereby formed dissolved, and stand upon their original rights as sovereign and independent political communities; and further, that each citizen owes his primary allegiance to the State in which he resides, and hence it is the imperative duty of the State to protect him in the enjoyment of all his constitutional rights, and see to it that they are not denied or withheld from him with impunity by any other State or government.

If the foregoing propositions correctly indicate the objects of this government, the rights and duties of the citizen, as well as the rights, powers, and duties of the State and Federal Governments under the Constitution, the next inquiry is, what rights have been denied, what wrongs have been done, or threatened to be done, of which the Southern States or the people of the Southern States can complain?

At the time of the adoption of the Federal Constitution African slavery existed in twelve of the thirteen States. Slaves are recognized both as property and as a basis of political power by the Federal compact, and special provisions are made by that instrument for their protection as property. Under the influences of climate and other causes, slavery has been banished from the Northern States; the slaves themselves have been sent to the Southern States and there sold, and their price gone into the pockets of their former owners at the North. And in the meantime African slavery has not only become one of the fixed domestic institutions of the Southern States, but forms an important element of their political power, and constitutes the most valuable species of their property, worth, according to recent estimates, not less than $4,000,000,000; forming, in fact, the basis upon which rests the prosperity and wealth of most of these States, and supplying the commerce of the world with its richest freights, and furnishing the

manufactories of two continents with the raw material, and their operatives with bread. It is upon this gigantic interest, this peculiar institution of the South, that the Northern States and their people have been waging an unrelenting and fanatical war for the last quarter of a century; an institution with which is bound up not only the wealth and prosperity of the Southern people, but their very existence as a political community. This war has been waged in every way that human ingenuity, urged on by fanaticism, could suggest. They attack us through their literature, in their schools, from the hustings, in their legislative halls, through the public press, and even their courts of justice forget the purity of their judicial ermine to strike down the rights of the Southern slave-holder and override every barrier which the Constitution has erected for his protection; and the sacred desk is desecrated to this unholy crusade against our lives, our property, and the constitutional rights guaranteed to us by the compact of our fathers. During all this time the Southern States have freely conceded to the Northern States and the people of those States every right secured to them by the Constitution, and an equal interest in the common territories of the Government; protected the lives and property of their citizens of every kind, when brought within Southern jurisdiction; enforced through their courts, when necessary, every law of Congress passed for the protection of Northern property, and submitted ever since the foundation of the Government, with scarcely a murmur, to the protection of their shipping, manufacturing, and commercial interests, by odious bounties, discriminating tariffs, and unjust navigation laws, passed by the Federal Government to the prejudice and injury of their own citizens.

The law of Congress for the rendition of fugitive slaves, passed in pursuance of an express provision of the Constitution, remains almost a dead letter upon the statute book. A majority of the Northern States, through their legislative enactments, have openly nullified it, and impose heavy fines and penalties upon all persons who aid in enforcing this law, and some of those States declare the Southern slave-holder who goes within their jurisdiction to assert his legal rights under the Constitution guilty of a high crime, and affix imprisonment in the penitentiary as the penalty. The Federal officers who attempt to discharge their duties under the law, as well as the owner of the slave, are set upon by mobs, and are fortunate if they escape without serious injury to life or limb; and the State authorities, instead of aiding in the enforcement of this law, refuse the use of their jails, and by every means which unprincipled fanaticism can devise give countenance to the mob and aid the fugitive to escape. Thus there are annually large amounts of property actually stolen away from the Southern States, harbored and protected in Northern States and by their citizens; and when a requisition is made for the thief by the Governor of a Southern State upon the Executive of a Northern State, in pursuance of the express conditions of the Federal Constitution, he is insultingly told that the felon has committed no crime, and thus the criminal escapes, the property of the citizen is lost, the sovereignty of the State is insulted, and there is no redress, for the Federal courts have no jurisdiction to award a mandamus to the Governor of a sovereign State to compel him to do an official executive act, and Congress, if disposed, under the Constitution has no power to afford a remedy. These are wrongs under which the Southern people have long suffered, and to which they have patiently submitted, in the hope that a returning sense of justice would prompt the people of the Northern States to discharge

their constitutional obligations and save our common country. Recent events, however, have not justified their hopes. The more daring and restless fanatics have banded themselves together, have put in practice the terrible lessons taught by the timid by making an armed incursion upon the sovereign State of Virginia, slaughtering her citizens, for the purpose of exciting a servile insurrection among her slave population, and arming them for the destruction of their own masters. During the past summer the abolition incendiary has lit up the prairies of Texas, fired the dwellings of the inhabitants, burned down whole towns, and laid poison for her citizens, thus literally executing the terrible denunciations of fanaticism against the slave-holder, "Alarm to their sleep, fire to their dwellings, and poison to their food."

The same fell spirit, like an unchained demon, has for years swept over the plains of Kansas, leaving death, desolation, and ruin in its track. Nor is this the mere ebullition of a few half-crazy fanatics, as is abundantly apparent from the sympathy manifested all over the North, where, in many places, the tragic death of John Brown, the leader of the raid upon Virginia, who died upon the gallows a condemned felon, is celebrated with public honors, and his name canonized as a martyr to liberty; and many, even of the more conservative papers of the Black Republican school, were accustomed to speak of his murderous attack upon the lives of the unsuspecting citizens of Virginia in a half-sneering and half-apologetic tone. And what has the Federal Government done in the meantime to protect slave property upon the common territories of the Union? Whilst a whole squadron of the American Navy is maintained on the coast of Africa at an enormous expense to enforce the execution of the laws against the slave-trade (and properly, too), and the whole Navy is kept afloat to protect the lives and property of American citizens upon the high seas, not a law has been passed by Congress or an arm raised by the Federal Government to protect the slave property of citizens from Southern States upon the soil of Kansas, the common territory and common property of the citizens of all the States, purchased alike by their common treasure, and held by the Federal Government, as declared by the Supreme Court of the United States, as the trustee for all their citizens; but, upon the contrary, a territorial government, created by Congress and supported out of the common treasury, under the influence and control of emigrant-aid societies and abolition emissaries, is permitted to pass laws excluding and destroying all that species of property within her limits, thus ignoring on the part of the Federal Government one of the fundamental principles of all good governments—the duty to protect the property of the citizen—and wholly refusing to maintain the equal rights of the States and the citizens of the States upon their common territories.

As the last and crowning act of insult and outrage upon the people of the South, the citizens of the Northern States, by overwhelming majorities, on the 6th day of November last, elected Abraham Lincoln and Hannibal Hamlin President and Vice-President of the United States. Whilst it may be admitted that the mere election of any man to the Presidency is not *per se* a sufficient cause for a dissolution of the Union, yet when the issues upon and circumstances under which he was elected are properly appreciated and understood, the question arises whether a due regard to the interest, honor, and safety of their citizens, in view of this and all the other antecedent wrongs and outrages, do not render it the imperative duty of the

Southern States to resume the powers they have delegated to the Federal Government and interpose their sovereignty for the protection of their citizens.

What, then, are the circumstances under which and the issues upon which he was elected? His own declarations and the current history of the times but too plainly indicate he was elected by a Northern sectional vote, against the most solemn warnings and protestations of the whole South. He stands forth as the representative of the fanaticism of the North, which, for the last quarter of a century, has been making war upon the South, her property, her civilization, her institutions, and her interests; as the representative of that party which overrides all constitutional barriers, ignores the obligation of official oaths, and acknowledges allegiance to a higher law than the Constitution, striking down the sovereignty and equality of the States, and resting its claims to popular favor upon the one dogma—the equality of the races, white and black.

It was upon this acknowledgment of allegiance to a higher law that Mr. Seward rested his claims to the Presidency in a speech made by him in Boston before the election. He is the exponent, if not the author, of the doctrine of the irrepressible conflict between freedom and slavery, and proposes that the opponents of slavery shall arrest its further expansion, and by Congressional legislation exclude it from the common territories of the Federal Government, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction. He claims for free negroes the right of suffrage and an equal voice in the Government; in a word, all the rights of citizenship, although the Federal Constitution, as construed by the highest judicial tribunal in the world, does not recognize Africans imported into this country as slaves or their descendants—whether free or slaves—as citizens.

These were the issues presented in the last Presidential canvass, and upon these the American people passed at the ballot box. Upon the principles then announced by Mr. Lincoln and his leading friends we are bound to expect his administration to be conducted. Hence it is that in high places among the Republican party the election of Mr. Lincoln is hailed not simply as a change of administration, but as the inauguration of new principles and a new theory of government, and even as the downfall of slavery. Therefore it is that the election of Mr. Lincoln cannot be regarded otherwise than a solemn declaration, on the part of a great majority of the Northern people, of hostility to the South, her property, and her institutions; nothing less than an open declaration of war, for the triumph of this new theory of government destroys the property of the South, lays waste her fields, and inaugurates all the horrors of a San Domingo servile insurrection, consigning her citizens to assassinations and her wives and daughters to pollution and violation to gratify the lust of half-civilized Africans. Especially is this true in the cotton-growing States, where, in many localities, the slave outnumbers the white population ten to one.

If the policy of the Republicans is carried out according to the programme indicated by the leaders of the party, and the South submits, degradation and ruin must overwhelm alike all classes of citizens in the Southern States. The slave-holder and non-slave-holder must ultimately share the same fate; all be degraded to a position of equality with free negroes, stand side by side with them at the polls, and fraternize in all the social relations of life, or else there will be

an eternal war of races, desolating the land with blood, and utterly wasting and destroying all the resources of the country. Who can look upon such a picture without a shudder? What Southern man, be he slave-holder or non-slave-holder, can without indignation and horror contemplate the triumph of negro equality, and see his own sons and daughters in the not distant future associating with free negroes upon terms of political and social equality, and the white man stripped by the heaven-daring hand of fanaticism of that title to superiority over the black race which God himself has bestowed? In the Northern States, where free negroes are so few as to form no appreciable part of the community, in spite of all the legislation for their protection, they still remain a degraded caste, excluded by the ban of society from social association with all but the lowest and most degraded of the white race. But in the South, where in many places the African race largely predominates, and as a consequence the two races would be continually pressing together, amalgamation or the extermination of the one or the other would be inevitable. Can Southern men submit to such degradation and ruin? God forbid that they should.

But it is said there are many constitutional conservative men at the North who sympathize with and battle for us. That is true; but they are utterly powerless, as the late Presidential election unequivocally shows, to breast the tide of fanaticism that threatens to roll over and crush us. With them it is a question of principle, and we award to them all honor for their loyalty to the Constitution of our fathers; but their defeat is not their ruin. With us it is a question of self-preservation. Our lives, our property, the safety of our homes and our hearthstones, all that men hold dear on earth, is involved in the issue. If we triumph, vindicate our rights, and maintain our institutions, a bright and joyous future lies before us. We can clothe the world with our staple, give wings to her commerce, and supply with bread the starving operative in other lands, and at the same time preserve an institution that has done more to civilize and Christianize the heathen than all human agencies besides—an institution alike beneficial to both races, ameliorating the moral, physical, and intellectual condition of the one and giving wealth and happiness to the other. If we fail, the light of our civilization goes down in blood, our wives and our little ones will be driven from their homes by the light of our own dwellings, the dark pall of barbarism must soon gather over our sunny land, and the scenes of West India emancipation, with its attendant horrors and crimes (that monument of British fanaticism and folly), be re-enacted in their own land upon a more gigantic scale.

Then, is it not time we should be up and doing, like men who know their rights and dare maintain them? To whom shall the people of the Southern States look for the protection of their rights, interests, and honor? We answer, to their own sons and their respective States. To the States, as we have seen, under our system of government, is due the primary allegiance of the citizen, and the correlative obligation of protection devolves upon the respective States—a duty from which they cannot escape, and which they dare not neglect without a violation of all the bonds of fealty that hold together the citizen and the sovereign. The Northern States and their citizens have proved recreant to their obligations under the Federal Constitution. They have violated that compact and refused to perform their covenants in that behalf.

The Federal Government has failed to protect the rights and property of the citizens of the South, and is about to pass into the hands of a party pledged for the destruction not only of their rights and their property, but the equality of the States ordained by the Constitution, and the heaven-ordained superiority of the white over the black race. What remains, then, for the Southern States and the people of these States if they are loyal to the great principles of civil and religious liberty, sanctified by the sufferings of a seven-years' war and baptized with the blood of the Revolution? Can they permit the rights of their citizens to be denied and spurned, their property spirited away, their own sovereignty violated, and themselves degraded to the position of mere dependencies instead of sovereign States; or shall each for itself, judging of the infractions of the constitutional compact, as well as the mode and measure of redress, declare that the covenants of that sacred instrument in their behalf, and for the benefit of their citizens, have been willfully, deliberately, continuously, and persistently broken and violated by the other parties to the compact, and that they and their citizens are therefore absolved from all further obligations to keep and perform the covenants thereof; resume the powers delegated to the Federal Government, and, as sovereign States, form other relations for the protection of their citizens and the discharge of the great ends of government? The union of these States was one of fraternity as well as equality; but what fraternity now exists between the citizens of the two sections? Various religious associations, powerful in numbers and influence, have been broken asunder, and the sympathies that bound together the people of the several States at the time of the formation of the Constitution have ceased to exist, and feelings of bitterness and even hostility have sprung up in their place. How can this be reconciled and a spirit of fraternity established? Will the people of the North cease to make war upon the institution of slavery and award to it the protection guaranteed by the Constitution? The accumulated wrongs of many years, the late action of their members in Congress refusing every measure of justice to the South, as well as the experience of all the past, answers, No, never!

Will the South give up the institution of slavery and consent that her citizens be stripped of their property, her civilization destroyed, the whole land laid waste by fire and sword? It is impossible. She cannot; she will not. Then why attempt longer to hold together hostile States under the stipulations of a violated Constitution? It is impossible. Disunion is inevitable. Why, then, wait longer for the consummation of a result that must come? Why waste further time in expostulations and appeals to Northern States and their citizens, only to be met, as we have been for years past, by renewed insults and repeated injuries? Will the South be better prepared to meet the emergency when the North shall be strengthened by the admission of the new Territories of Kansas, Nebraska, Washington, Jefferson, Nevada, Idaho, Chippewa, and Arizona as non-slave-holding States, as we are warned from high sources will be done within the next four years, under the administration of Mr. Lincoln? Can the true men at the North ever make a more powerful or successful rally for the preservation of our rights and the Constitution than they did in the last Presidential contest? There is nothing to inspire a hope that they can.

Shall we wait until our enemies shall possess themselves of all the powers of the Government; until abolition judges are on the Supreme

Court bench, abolition collectors at every port, and abolition postmasters in every town; secret mail agents traversing the whole land, and a subsidized press established in our midst to demoralize our people? Will we be stronger then or better prepared to meet the struggle, if a struggle must come? No, verily. When that time shall come, well may our adversaries laugh at our folly and deride our impotence. The deliberate judgment of Alabama, as indicated by the joint resolutions of her General Assembly, approved February 24, 1860, is that prudence, patriotism, and loyalty to all the great principles of civil liberty, incorporated in our Constitution and consecrated by the memories of the past, demand that all the Southern States should now resume their delegated powers, maintain the rights, interests, and honor of their citizens, and vindicate their own sovereignty. And she most earnestly but respectfully invites her sister sovereign State, Kentucky, who so gallantly vindicated the sovereignty of the States in 1798, to the consideration of these grave and vital questions, hoping she may concur with the State of Alabama in the conclusions to which she has been driven by the impending dangers that now surround the Southern States. But if, on mature deliberation, she dissents on any point from the conclusions to which the State of Alabama has arrived, on behalf of that State I most respectfully ask a declaration by this venerable Commonwealth of her conclusions and position on all the issues discussed in this communication; and Alabama most respectfully urges upon the people and authorities of Kentucky the startling truth that submission or acquiescence on the part of the Southern States at this perilous hour will enable Black Republicanism to redeem all its nefarious pledges and accomplish all its flagitious ends; and that hesitation or delay in their action will be misconceived and misconstrued by their adversaries and ascribed not to that elevated patriotism that would sacrifice all but their honor to save the Union of their fathers, but to division and dissension among themselves and their consequent weakness; that prompt, bold, and decided action is demanded alike by prudence, patriotism, and the safety of their citizens.

Permit me, in conclusion, on behalf of the State of Alabama, to express my high gratification at the cordial manner in which I have been received as her commissioner by the authorities of the State of Kentucky, as well as the profound personal gratification which, as a son of Kentucky, born and reared within her borders, I feel at the manner in which I, as the commissioner from the State of my adoption, have been received and treated by the authorities of the State of my birth. Please accept assurances of the high consideration and esteem of,

Your obedient servant, &c.,

S. F. HALE,
Commissioner from the State of Alabama.

[Inclosure No. 2.]

EXECUTIVE DEPARTMENT,
Frankfort, Ky., December 28, 1860.

Hon. S. F. HALE,
Commissioner from the State of Alabama:

Your communication of the 27th instant, addressed to me by authority of the State of Alabama, has been attentively read. I concur with you in the opinion that the grave political issues yet pending and undetermined between the slave-holding and non-slave-holding States of the Confederacy are of a character to render eminently proper and

highly important a full and frank conference on the part of the Southern members, identified, as they undoubtedly are, by a common interest, bound together by mutual sympathies, and with the whole social fabric resting on homogeneous institutions. And coming as you do in a spirit of fraternity, by virtue of a commission from a sister Southern State, to confer with the authorities of this State in reference to the measures necessary to be adopted to protect the interests and maintain the honor and safety of the States and their citizens, I extend you a cordial welcome to Kentucky.

You have not exaggerated the grievous wrongs, injuries, and indignities to which the slave-holding States and their citizens have long submitted with a degree of patience and forbearance justly attributable alone to that elevated patriotism and devotion to the Union which would lead them to sacrifice well-nigh all save honor to recover the Government to its original integrity of administration and perpetuate the Union upon the basis of equality established by the founders of the Republic. I may even add that the people of Kentucky, by reason of their geographical position and nearer proximity to those who seem so madly bent upon the destruction of our constitutional guarantees, realize yet more fully than our friends farther south the intolerable wrongs and menacing dangers you have so elaborately recounted. Nor are you, in my opinion, more keenly alive than are the people of this State to the importance of arresting the insane crusade so long waged against our institutions and our society by measures which shall be certainly effective. The rights of African slavery in the United States and the relations of the Federal Government to it, as an institution in the States and Territories, most assuredly demand at this time explicit definition and final recognition by the North. The slave-holding States are now impelled by the very highest law of self-preservation to demand that this settlement should be concluded upon such a basis as shall not only conserve the institution in localities where it is now recognized, but secure its expansion, under no other restrictions than those which the laws of nature may throw around it. That unnecessary conflict between free labor and slave labor, but recently inaugurated by the Republican party as an element in our political struggles, must end, and the influence of soil, of climate, and local interests left unaided and unrestricted save by constitutional limitations to control the extension of slavery over the public domain. The war upon our social institutions and their guaranteed immunities waged through the Northern press, religious and secular, and now threatened to be conducted by a dominant political organization through the agency of State Legislatures and the Federal Government must be ended. Our safety, our honor, and our self-preservation alike demand that our interests be placed beyond the reach of further assault.

The people of Kentucky may differ variously touching the nature and theory of our complex system of government, but when called upon to pass upon these questions at the polls I think such an expression would develop no material variance ot sentiment touching the wrongs you recite and the necessity of their prompt adjustment. They fully realize the fatal result of longer forbearance, and appreciate the peril of submission at this juncture. Kentucky would leave no effort untried to preserve the union of the States upon the basis of the Constitution as we construe it, but Kentucky will never submit to wrong and dishonor, let resistance cost what it may. Unqualified acquiescence in the administration of the Government upon the Chicago

platform, in view of the movements already inaugurated at the South and the avowed purposes of the representative men of the Republican party, would, I feel assured, receive no favor in this State. Whether her citizens shall, in the last resort, throw themselves upon the right of revolution as the inherent right of a free people never surrendered, or shall assert the doctrine of secession, can be of little practical import. When the time of action comes (and it is now fearfully near at hand) our people will be found rallied as a unit under the flag of resistance to intolerable wrong, and being thus consolidated in feeling and action, I may well forego any discussion of the abstract theories to which one party or another may hold to cover their resistance.

It is true that as sovereign political communities the States must determine, each for itself, the grave issues now presented; and it may be that, when driven to the dire extremity of severing their relations with the Federal Government, formal, independent, separate State action will be proper and necessary. But resting, as do these political communities, upon a common social organization, constituting the sole object of attack and invasion, confronted by a common enemy, encompassed by a common peril—in a word, involved in one common cause, it does seem to me that the mode and manner of defense and redress should be determined in a full and free conference of all the Southern States, and that their mutual safety requires full co-operation in carrying out the measures there agreed upon. The source whence oppression is now to be apprehended is an organized power, a political government in operation, to which resistance, though ultimately successful (and I do not for a moment question the issue), might be costly and destructive. We should look these facts in the face, nor close our eyes to what we may reasonably expect to encounter. I have therefore thought that a due regard to the opinions of all the slave-holding States would require that those measures which concern all alike and must ultimately involve all should be agreed upon in common convention and sustained by united action.

I have before expressed the belief and confidence, and do not now totally yield the hope, that if such a convention of delegates from the slave-holding States be assembled, and, after calm deliberation, present to the political party now holding the dominance of power in the Northern States and soon to assume the reins of national power, the firm alternative of ample guarantees to all our rights and security for future immunity or resistance, our just demands would be conceded and the Union be perpetuated stronger than before. Such an issue, so presented to the Congress of the United States and to the Legislatures and people of the Northern States (and it is practicable, in abundant time before the Government has passed into other hands) would come with a moral force which, if not potent to control the votes of the representative men, might produce a voice from their constituents which would influence them. But if it fail, our cause would emerge, if possible, stronger fortified by the approbation of the whole conservative sentiment of the country and supported by a host of Northern friends who would prove, in the ultimate issue, most valuable allies. After such an effort every man in the slave-holding States would feel satisfied that all had been done which could be done to preserve the legacy bequeathed us by the patriots of '76 and the statesmen of '89, and the South would stand in solid, unbroken phalanx a unit. In the brief time left it seems to me impracticable to effect this object through the agency of commissioners sent to the different States. A convention of authorized delegates is the true mode of bringing about

co-operation among the Southern States, and to that movement I would respectfully ask your attention, and through you solicit the co-operation of Alabama.

There is yet another subject upon which the very highest considerations appeal for a united Southern expression. On the 4th of March next the Federal Government, unless contingencies now unlooked for occur, will pass into the control of the Republican party. So far as the policy of the incoming administration is foreshadowed in the antecedents of the President elect, in the enunciations of its representative men and the avowals of the press, it will be to ignore the acts of sovereignty thus proclaimed by Southern States, and of coercing the continuance of the Union. Its inevitable result will be civil war of the most fearful and revolting character. Now, however the people of the South may differ as to the mode and measure of redress, I take it that the fifteen slave holding States are united in opposition to such a policy, and would stand in solid column to resist the application of force by the Federal authority to coerce the seceding States. But it is of the utmost importance that before such a policy is attempted to be inaugurated the voice of the South should be heard in potential, official, and united protest. Possibly the incoming Administration would not be so dead to reason as after such an expression to persist in throwing the country into civil war, and we may therefore avert the calamity. An attempt "to enforce the laws" by blockading two or three Southern States would be regarded as quite a different affair from a declaration of war against 13,000,000 of freemen; and if Mr. Lincoln and his advisers be made to realize that such would be the issue of the "force policy," it will be abandoned. Should we not realize to our enemies that consequence and avert the disastrous results? But if our enemies be crazed by victory and power and madly persist in their purpose, the South will be better prepared to resist.

You ask the co-operation of the Southern States in order to redress our wrongs. So do we. You have no hope of a redress in the Union. We yet look hopefully to assurances that a powerful reaction is going on at the North. You seek a remedy in secession from the Union. We wish the united action of the slave States, assembled in convention within the Union. You would act separately; we unitedly. If Alabama and the other slave States would meet us in convention, say at Nashville or elsewhere, as early as the 5th day of February, I do not doubt that we would agree in forty-eight hours upon such reasonable guarantees, by way of amendment to the Constitution of the United States, as would command at least the approbation of our numerous friends in the free States, and by giving them time to make the question with the people there, such a reaction in public opinion might yet take place as to secure us our rights and save the Government. If the effort failed the South would be united to a man, the North divided, the horrors of civil war would be averted (if anything can avert the calamity). And if that be not possible we would be in a better position to meet the dreadful collision. By such action, too, if it failed to preserve the Government, the basis of another confederacy would have been agreed upon, and the new government would in this mode be launched into operation much more speedily and easily than by the action you propose.

In addition to the foregoing, I have the honor to refer you to my letter of the 16th ultimo to the editor of The Yeoman and to my letter to the Governors of the slave States, dated the 9th of December, here-

with transmitted to you,* which, together with what I have said in this communication, embodies, with all due deference to the opinions of others, in my judgment, the principles, policy, and position which the slave States ought to maintain. The Legislature of Kentucky will assemble on the 17th of January, when the sentiment of the State will doubtless find official expression. Meantime, if the action of Alabama shall be arrested until the conference she has sought can be concluded by communication with that department of the government, I shall be pleased to transmit to the Legislature your views. I regret to have seen in the recent messages of two or three of our Southern sister States a recommendation of the passage of laws prohibiting the purchase by the citizens of those States of the slaves of the border slave-holding States. Such a course is not only liable to the objection so often urged by us against the abolitionists of the North of an endeavor to prohibit the slave-trade between the States, but it is likewise wanting in that fraternal feeling which should be common to States which are identified in their institutions and interests. It affords me pleasure, however, to add, as an act of justice to your State, that I have seen no indication of such a purpose on the part of Alabama. It would certainly be considered an act of injustice for the border slave-holding States to prohibit, by their legislation, the purchase of the products of the cotton-growing States, even though it be founded upon the mistaken policy of protection to their own interests. I cannot close this correspondence without again expressing to you my gratification in receiving you as the honored commissioner from your proud and chivalrous State, and at your courteous, able, dignified, and manly bearing in discharging the solemn and important duties which have been assigned to you.

I have the honor to be, with sentiments of high consideration, your friend and obedient servant,

B. MAGOFFIN.

[Inclosure No. 3.]

FRANKFORT, KY., *January 1, 1861.*

His Excellency B. MAGOFFIN,
Governor of the Commonwealth of Kentucky:

Your communication of the 28th ultimo, in reply to the communication I, as the commissioner from the State of Alabama, had the honor of submitting for your consideration on the 27th, has just been placed in my hands, and shall promptly be laid before the Governor of Alabama. Be assured that the communication of Your Excellency will receive from the authorities of the State of Alabama that full and candid consideration due as well to the magnitude of the subject discussed as the high source from which it emanates; and I doubt not that in the hour of trial Kentucky and Alabama will be found standing side by side in defense of the rights, interests, and honor of their citizens. In closing our official correspondence, permit me again to express my high appreciation of the cordial welcome extended to me as the commissioner from Alabama, as well as your many acts of courtesy and kindness to me personally during my sojourn at your capital.

And accept assurances of the high consideration and esteem of your friend and obedient servant,

S. F. HALE.

*Not found.

MILLEDGEVILLE, GA., *January 3, 1861.*

His Excellency Governor JOSEPH E. BROWN,
Governor of the State of Georgia:

SIR: I beg leave to hand you herewith a commission from His Excellency Andrew B. Moore, Governor of the sovereign State of Alabama, and attested by the great seal of the State, under date of December 21, 1860, by which I have the honor to be constituted and appointed a commissioner to the sovereign State of Georgia, with authority to consult and advise with Your Excellency as to what is best to be done to protect the rights, interests, and honor of the slave-holding States. No duty more agreeable to my feelings could have been laid upon me at this trying hour in the history of our country than that of a delegate from Alabama, the beloved State of my adoption, to Georgia, the beloved and honored State of my nativity. The unnatural warfare which, in violation of the Federal compact and for a long series of years, has been unceasingly waged by the anti-slavery States upon the institutions, rights, and domestic tranquillity of the slave-holding States, has finally culminated in the election of an open and avowed enemy to our section of the Union; and the great and powerful party who have produced this result calmly awaits the 4th day of March next, when, under the forms of the Constitution and the laws, they will usurp the machinery of the Federal Government and madly attempt to rule, if not to subjugate, and ruin the South. In anticipation of such a contingency and in advance of any of her sister States, the General Assembly of Alabama on the 24th day of February, 1860, solemnly declared that—

To permit a seizure of the Federal Government by those whose unmistakable aim is to pervert its whole machinery to the destruction of a portion of its members would be an act of suicidal folly and madness almost without a parallel in history; and that the General Assembly of Alabama, representing a people loyally devoted to the Union of the Constitution, but scorning the Union which fanaticism would erect upon its ruins, deem it their solemn duty to provide in advance the means by which they may escape such peril and dishonor, and devise new securities for perpetuating the blessings of liberty to themselves and their posterity.

In stern pursuance of this purpose the General Assembly adopted, among others, the following resolution:

That upon the happening of the contingency contemplated in the foregoing preamble, namely, the election of a President advocating the principles and action of the party in the Northern States calling itself the Republican party, it shall be the duty of the Governor, and he is required forthwith, to issue his proclamation calling upon the qualified voters of this State to assemble on a Monday not more than forty days after the date of said proclamation, at the usual places of voting in their respective counties, and elect delegates to a convention of the State, to consider, determine, and do whatever, in the opinion of said convention, the rights, interests, and honor of the State of Alabama require to be done for their protection.

And the same General Assembly, on the 25th day of February, 1860, in response to resolutions received from the State of South Carolina, inviting a conference of the Southern States, adopted these additional resolutions:

1. *Resolved*, That the State of Alabama, fully concurring with the State of South Carolina in affirming the right of any State to secede from the confederacy whenever, in her own judgment, such a step is demanded by the honor, interests, and safety of her people, is not unmindful of the fact that the assaults upon the institution of slavery and upon the rights and equality of the Southern States, unceasingly continued with increasing violence and in new and more

alarming forms, may constrain her to a reluctant but early exercise of that invaluable right.

2. *Be it further resolved*, That in the absence of any preparation for a systematic co-operation of the Southern States in resisting the aggressions of her enemies, Alabama, acting for herself, has solemnly declared that under no circumstances will she submit to the foul domination of a sectional Northern party; has provided for the call of a convention in the event of the triumph of such a faction in the approaching Presidential election, and, to maintain the position thus deliberately assumed, has appropriated the sum of $200,000 for the military contingencies which such a course may involve.

3. *Be it further resolved*, That the State of Alabama, having endeavored to prepare for the exigencies of the future, has not deemed it necessary to propose a meeting of deputies from the slave-holding States, but, anxiously desiring their co-operation in a struggle which perils all they hold most dear, hereby pledges herself to a cordial participation in any and every effort which, in her judgment, will protect the common safety, advance the common interest, and serve the common cause.

In obedience to the instructions of the General Assembly, and in accordance with his own loyal heart and manly purpose, His Excellency Andrew B. Moore, Governor of Alabama, ordered an election of delegates by the people on the 24th day of December last. These delegates, 100 in number, will assemble in convention at Montgomery on Monday next, the 7th instant, and there and then will speak the sovereign voice of Alabama. There may be found an honest difference of opinion and judgment as to the time and mode of secession from the Federal Union, whether the State shall move at once, for herself and by herself, or await the action and co-operation of Georgia and adjoining sister States who have with her a common interest, but that the convention will fully maintain the high and patriotic resolves of the General Assembly, and thus proudly vindicate the rights and honor of Alabama, I do not for a moment entertain the shadow of a doubt. Events now transpiring must, at an early date, unite all loyal sons of the South in the defense of the South. We should make haste to be ready for the conflict which is well nigh upon us. "Delay is dangerous; hesitation, weakness; opposition, treason." We honor the gallant State of South Carolina, which accidental and fortuitous circumstances have placed in front of the battle, and Alabama will stand by and make common cause with her and every other State which shall assert her independence of an abolitionized Government. Alabama sends greetings to her mother, glorious old Georgia, the Empire State of the South, one of the immortal thirteen which suffered and endured and triumphed in the Revolution of 1776, and Alabama invokes her counsel and advice, her encouragement and co-operation. Having similar institutions, kindred sympathies, and honor alike imperiled, will not Georgia unite with Alabama and sister States in throwing off the insolent despotism of the North, and in the establishment of a Southern confederacy, a government of homogeneous people, which shall endure through all coming time, the proudest and grandest monument on the face of the earth? I shall proceed hence to the capital of Alabama to report the result of my interview with Your Excellency to the Governor of Alabama in time for him to lay the same before the convention on Monday next; and I shall feel grateful for the honor of being made the medium of bearing any communication which Your Excellency may be pleased to make.

With high consideration, I am, Your Excellency's obedient servant,

JNO. GILL SHORTER.

EXECUTIVE DEPARTMENT,
Milledgeville, January 5, 1861.

Hon. JOHN GILL SHORTER,
Commissioner of the State of Alabama:

DEAR SIR: On my return from Savannah this day I find your communication accompanying your commission from His Excellency the Governor of Alabama, which you did me the honor to send by express, but which was not received till after I had the pleasure of a private interview with you. The gallant and noble stand taken by your State in the passage of the resolutions recited in your communication, for the protection of the rights and the vindication of the honor of the State of Alabama and the other Southern States, excited the just admiration of all her Southern sisters. Alabama, in common with the other pro-slavery States, had long endured the injustice and insults of the Black Republican party of the North. That party is now triumphant, and is about to seize the reins of the Federal Government. To this the States of the South can never submit without degradation and ultimate ruin. While Georgia may be said to be the mother of Alabama, she is proud of the noble conduct of her daughter; and will not claim to lead, but will be content to follow in the path of glory in which her offspring leads. We feel well assured that your State will not be intimidated nor driven from her high position. While many of our most patriotic and intelligent citizens in both States have doubted the propriety of immediate secession, I feel quite confident that recent developments have dispelled those doubts from the minds of most men who have, till within the last few days, honestly entertained them.

Longer continuance in a union with those who use the Government only as an engine of oppression and injustice cannot, it seems to me, be desired by any party in the Southern States. Conciliation and harmony among ourselves are of the most vital importance. Let us, if we have differed in the past, meet each other with just forbearance, and the path of duty will, I trust, be plain to all. The Federal Government denies the right of a sovereign State to secede from the Union, while it refuses to make any concessions or to give any guaranties which will secure our rights in future. If we yield this right we become the subjects and the pro-slavery States the provinces of a great centralized empire, consolidated and maintained by military force. The sovereign State of South Carolina has resumed the powers delegated by her to the Federal Government on account of the violation of the compact by the other contracting parties. Her right to declare herself independent is denied, and military coercion is boldly threatened. Shall we yield the right of secession and see her whipped back into the Union? Never! Since she seceded her course has been moderate and dignified. She did not occupy the most impregnable fort in her harbor, which she could have seized without the loss of a single man, because she had pledged her faith not to do so, in consideration that the Government at Washington would make no change in the military status of the forts, but would permit all to remain as it was at the time she seceded. She kept her faith. What was the conduct of the Federal Government? Its agent who commanded Fort Moultrie violated the pledge given by his Government. The Government disavows his conduct, but refuses to keep its faith by remanding him to his original position. The result will probably be the loss of much of the best blood in South Carolina

before the fort can be taken. In my opinion, other Southern States should not be deceived by trusting to such a government in future.

In view of the threats of coercion which are made by Northern Senators and Representatives, and the probabilities that the like policy now meets with the sanction of a majority of the Cabinet, the South can look in future only to her own strength, the justice of her cause, and the protection of the Almighty Ruler of the Universe for her safety and independence. Prompted by these considerations, I have seized and occupied Fort Pulaski, the stronghold in this State, with a sufficient number of troops and other ample provision to secure it against successful assault. Till the convention of this State has acted and decided the question of Georgia's future dependence or independence, I shall hold the fort at all hazards, and by force if necessary. I am glad to learn by a telegram just received from His Excellency the Governor of your State that he has taken the same precautions for the protection of the people of Alabama against the assaults of our common enemy, and I sincerely trust the Executive of each and every Southern State in the Union will at once adopt the same policy, and let us all co-operate in a common defense. So far as the returns have been received at this office they indicate beyond a doubt that the people of Georgia have determined by an overwhelming majority to secede from the Union so soon as our convention meets and has time to consummate this important step, which can alone preserve the honor, the rights, and the dignity of this State in the future. I trust that Alabama will not hesitate, but will act promptly and independently, relying, as I know she may, upon the cordial co-operation of Georgia in every hour of trial. The people of the pro-slavery States have common institutions, common interests, common sympathies, and a common destiny. Let each State, as soon as its convention meets, secede promptly from the Union, and let all then unite upon a common platform, co-operate together, and "form a more perfect union." Our cause is just, and I doubt not, should we be attacked, that the God of Battles will protect the right and drive far from us the scattered hosts of an invading foe. I regret the necessity which compels me to prepare this response in so short a period. I have no time to revise it. You will please say to His Excellency Governor Moore that it will afford me much pleasure to receive intelligence at the earliest moment after the convention has placed Alabama in the high position which Georgia, by a vote of her people, has determined to occupy so soon as her convention has time to assemble and deliberate.

I am, very truly, your obedient servant,

JOSEPH E. BROWN.

MONTGOMERY, *January 5, 1861.*

His Excellency A. B. MOORE:

SIR: I was honored by Your Excellency with the appointment of commissioner to the State of South Carolina to confer with her Governor and her convention, about to assemble on the 17th of December last, on the political condition of the slave-holding States of the Union in the present crisis. The principal object of my mission was for consultation with that State, through her Governor and convention, by a full and free interchange of opinion as to the best course to be pursued, in view of the dangers impending over the Southern States, to avert

those dangers and to unite those States in a common union in defense of their rights. I left this place on the 13th of December last, and arrived in Columbia, the place of meeting of the South Carolina convention, and where the Legislature was still in session, on the 14th, about 5 p. m. The lateness of the hour of my arrival prevented my calling upon the Governor on that evening. My arrival had been expected, and immediately on reaching my hotel I was called on by numerous persons, members of the Legislature and others, who were filled with the deepest anxiety to ascertain the feeling of this State, and who were greatly cheered by the intelligence I felt authorized to communicate. On the morning of the 15th I waited on the Governor at his house and presented my credentials. I was warmly received by him, who entered into a full and frank communication on the objects of my mission, the state of public sentiment in South Carolina and other slave-holding States, with the Governors of several of which he had been in correspondence, and also in the preparation which South Carolina had made and was making to maintain her sovereignty and independence, if on her secession from the Union the Federal Government should attempt to coerce her back into the Union by force.

From the moment of my arrival I was in constant communication with members of the Legislature and other distinguished men in that State and with most of the delegates to the convention as they arrived, and sought a full consultation and interchange of opinion on the matters with which I was charged. On the 15th of December the Hon. Mr. Hooker, the commissioner from the State of Mississippi to South Carolina, arrived in Columbia, charged with the same objects of consultation as myself, with whom I freely conferred on the nature of our mission. The result of all the information thus obtained confirmed the opinion entertained by me before I left this place, and in which I was pleased to find that Your Excellency concurred. That opinion was that the only course to unite the Southern States in any plan of co-operation which could promise safety was for South Carolina to take the lead and secede at once from the Federal Union without delay or hesitation, and that any other plan would prevent co-operation for submission and not for resistance; that the only effective plan of resistance by co-operation must ensue after one State had seceded and presented the issue, when the plain question must be presented to the other Southern States whether they would stand by the seceding State engaged in a common cause or abandon her to the fate of coercion by the arms of the Government of the United States. In this opinion Mr. Hooker also concurred, and on all proper occasions I expressed it not only as my own but as the opinion of Your Excellency.

The convention was organized on the 17th of December, and on that night Mr. Hooker and myself were invited by it to address that body, which we did. In my speech I announced to the convention the character in which I appeared before it and the objects for which I had been sent, and in substance told the convention what I had previously said to the members individually, announcing as my opinion, as supported by that of Your Excellency, that Alabama, through her convention, would unquestionably follow the great example set by South Carolina, and that there would be a large majority in our convention in favor of the secession of our State. Mr. Hooker expressed the same opinion, and gave the convention assurances of a large majority in Mississippi in favor of her secession. On the day of its organization the convention adopted a resolution that the State of South Carolina forthwith secede from the Federal Union, which passed unanimously, and appointed a committee to draft and prepare an ordinance of

secession, and then adjourned to Charleston, to meet the next day at 4 p. m. I regret that I cannot furnish Your Excellency with a copy of this resolution; but on application to the clerk of the convention in Charleston for a copy I was informed by him that owing to the haste in which the convention had removed from Columbia some of the papers were mislaid, and this among them, and none of the proceedings of the first day had been or could be at the time printed. I left Columbia on the 18th at 2 p. m. and reached Charleston about 10 p. m. No measures of importance were adopted by the convention until the 20th of December, when the ordinance of secession was reported by the committee and adopted unanimously, as follows:

AN ORDINANCE to dissolve the union between the State of South Carolina and other States united with her under the compact entitled "The Constitution of the United States of America."

We, the people of the State of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, That the ordinance adopted by us in convention on the 23d day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and also all acts and parts of acts of the General Assembly of this State ratifying amendments of the said Constitution, are hereby repealed; and that the union now subsisting between South Carolina and other States, under the name of the "United States of America," is hereby dissolved.

And on its passage the following resolution was adopted:

Resolved, That the ordinance be engrossed, under the direction of the attorney-general and the solicitors, upon parchment, and signed by the president and members of the convention at the Institute Hall, in the alphabetical order of election districts, and be deposited in the archives of the State.

At 7 p. m. on the same day the ordinance, engrossed on parchment, with the great seal of the State attached, was signed by the president and every member of the convention. Many questions were submitted to the convention, on which no definite action has been taken that I am aware of. I have authentic information that the convention passed the following ordinances and resolutions:

First, one to alter the constitution of the State of South Carolina in respect to the oath of office; second, one, the appointment of commissioners to Washington; third, one to make provisional arrangements for the continuance of commercial facilities in South Carolina; fourth, one vesting in the General Assembly of the State the powers lately vested in the Congress of the United States; fifth, one vesting in such courts as the General Assembly should direct the judicial powers heretofore delegated to the Government of the United States; sixth, one to define and punish treason against the State; seventh, one in relation to citizenship in the State. Copies of all which are hereto attached for the information of Your Excellency.*

There were other important ordinances submitted to the convention, but I had no means of ascertaining whether they were adopted in the precise form in which they were offered, but I am satisfied they were passed either in that form or with some modification. These I attach to the reports of committees and addresses, herewith submitted.* I was in the city of Charleston when, on the night of the 26th of December, Fort Moultrie was evacuated and Fort Sumter occupied by the Federal troops under the command of Major Anderson. The greatest indignation was aroused by this violation of the understanding between the authorities of the State and the Government of the United States. From the most reliable sources I was informed that the State and Federal authorities had mutually given a pledge that the State should make no attack or hostile demonstration against the fortresses

* Not found.

in the possession of the Government of the United States in the harbor of Charleston, and that no re-enforcements were to be sent to those fortresses by the Federal Government nor the position of the troops in those fortresses changed until the question of their occupation or surrender had been attempted to be settled by negotiation between the State and Federal authorities. While the Executive of the United States pretends to disavow the act of Major Anderson in this change of position of the troops, he sanctions the act by permitting this officer to remain in his new position. Casuists will find it difficult to distinguish between the previous order and subsequent sanction in a question of good faith.

On the morning of the 21st [27th] of December, as soon as the removal of the Federal troops from the one fort to the other was known in the city, the Governor sent a dispatch to Major Anderson, asking an explanation of his conduct, which being unsatisfactory, the troops of the State were ordered at once to occupy Fort Moultrie and Castle Pinckney, which was done on the same day, and these fortresses are still in the possession of the State, and will be defended to the last extremity. From the observations made by men in South Carolina, I am satisfied that the people of that State are prepared to undergo the utmost horrors that war can bring upon a people, to have their lands ravaged and their homes made desolate, before they will submit to subjugation by the Federal Government or the forces of the abolition States. I left Charleston on the 29th of December on my return home. I was induced to this step from the fact that all the deliberations of the convention on questions of importance were had in secret, and my presence in South Carolina could be of no further service, as I would obtain no further information than that afforded by the public prints. I cannot close this communication without mentioning the cordial and complimentary manner in which I was received by the authorities of South Carolina. The privilege of a seat on the floor of the Senate and House of Representatives and of the convention was given to me, and the hospitalities of the State tendered by resolution of both houses of the Legislature. In reply to this last courtesy, while acknowledging it in proper terms in the name of the State of Alabama, I felt constrained to decline it, but availed myself of the privileges of the seats tendered by the several bodies, except when the convention was in secret session. I reached this place on the 30th ultimo at night, and have availed myself of the occasion to make known to Your Excellency how I have discharged the duties of my appointment.

With the highest considerations of respect, I am, Your Excellency's obedient servant,

J. A. ELMORE.

WASHINGTON, *January 5, 1861.*

Governor PETTUS,
Jackson, Miss.:

The Governor, officers of State, and six-sevenths of the people of Delaware are cordially with Mississippi in the Southern cause. The present Legislature opposed to immediate secession. The people will demand a convention and Delaware will co-operate with Mississippi.

HENRY DICKINSON.
ALEX. R. WOOTTEN.

Mr. Wootten is attorney-general of the State of Delaware.

DICKINSON.

MONTGOMERY, ALA., *January 7, 1861.*

His Excellency A. B. MOORE,
Governor of Alabama:

SIR: In pursuance of the requirements of the commission to me directed by the Governor of the State of Alabama on the 18th of December, 1860, I did forthwith repair to Jefferson City, in the State of Missouri, for the purpose of performing the duties required of me as commissioner from the State of Alabama to the State of Missouri; and my communication was immediately had with the then acting Governor of that State. I submitted to him my communication, a copy of which is herewith laid before Your Excellency, together with the reply of Governor Stewart. The Missouri Legislature was not in session and would not convene until the last day of December, 1860. Many of the members, however, of both houses, had assembled at the seat of government, and it being obvious that I could not await the organization of that body with any hope of such prompt action on its part as to enable me to be present and return here in time for the Alabama convention, an informal meeting of the members of the Senate and House of Representatives was had in the Senate chamber, after due publication, and an opportunity was afforded me of being heard by the members and the people in the hall of the House of Representatives on the 29th of December past, and after which action was had by the members, who convened in the Senate chamber and adopted a preamble and resolutions, which were handed to me and which I herewith submit to Your Excellency. I will add that so far as I could learn (and there was a free expression of opinion from the members and the people of the State of Missouri) that State was in favor of co-operation with the slave States, and in the event of a dissolution Missouri will confederate with the South and not with the North. Missouri feels and realizes her critical situation. Being a border State, bounded north, east, and west by free-soil territory, and bounded by a slave State on the south sparsely populated, she will move with slow and cautious steps. The present Governor of Missouri, Hon. C. F. Jackson, is decidedly in favor of calling a State convention to act in the present political crisis of the country, and his views are fully foreshadowed by his letter of the —— of December past, as well as in his message. His letter to General Shields is also here referred to.

Respectfully,

W. COOPER.

[Inclosure No. 1.]

JEFFERSON CITY, MO., *December 26, 1860.*

His Excellency R. M. STEWART,
Governor, &c.:

SIR: At a late session of the Legislature of the State of Alabama, and on the 24th day of February, 1860, the Senate and House of Representatives of the State of Alabama, in General Assembly convened, adopted the following preamble and resolution, viz:

Whereas, anti-slavery agitation, persistently continued in the non-slave-holding States of this Union for more than a third of a century, marked at every stage of its progress by contempt for the obligations of law and the sanctity of compacts, evincing a deadly hostility to the rights and institutions of the Southern people and a settled purpose to effect their overthrow, even by the subversion of the Constitution and at the hazard of bloodshed; and

Whereas, a sectional party calling itself Republican, committed alike by its own acts and antecedents and the public avowals and secret machinations of its

leaders to the execution of those atrocious designs, has acquired the ascendant in every Northern State, and hopes by success in the approaching Presidential election to seize the Government itself; and

Whereas, to permit such a seizure by those whose unmistakable aim is to pervert its whole machinery to the destruction of a portion of its members would be an act of suicidal folly and madness, almost without a parallel in history; and

Whereas, the General Assembly of Alabama, representing a people loyally devoted to the Union of the Constitution, but scorning the Union which fanaticism would erect upon its ruins, deem it their solemn duty to provide in advance the means by which they may escape such peril and dishonor, and desire new securities for perpetuating the blessings of liberty to themselves and their posterity: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That upon the happening of the contingency contemplated in the foregoing preamble, namely, the election of a President advocating the principles and actions of the party in the Northern States calling itself the Republican party, it shall be the duty of the Governor, and he is hereby required, forthwith to issue his proclamation calling upon the qualified voters of this State to assemble on a Monday not more than forty days after the date of said proclamation, and at the general places of voting in their respective counties, to elect delegates to a State convention of the State, to consider, determine, and do whatever, in the opinion of said convention, the rights, interests, and honor of the State of Alabama require to be done for their protection.

And on the 25th day of February, 1860, another resolution was adopted and passed by said body, as follows, viz:

Be it resolved, That in the absence of any preparation for a systematic co-operation of the Southern States in resisting the aggressions of their enemies, Alabama, acting for herself, has solemnly declared that under no circumstances will she submit to the foul domination of a sectional Northern party; has provided for the call of a convention in the event of the triumph of such a faction in the approaching Presidential election, and, to maintain her position thus deliberately assumed, has appropriated, &c.

Under the foregoing resolutions and the influence of subsequent political events His Excellency Andrew B. Moore, Governor of the State of Alabama, deeming it proper to consult with the slave-holding States of the Union as to what is best to be done to promote their and our interests and honor in the crisis which the action of the Black Republicans has forced upon the country, and believing that the conventions of South Carolina and Florida, as well as the Legislatures of some of the other States, would have assembled and acted before the meeting of the convention of Alabama, and thus the opportunity of conferring with them would be measurably lost, determined to appoint commissioners to each of the slave-holding States in time to enable them to report the result of the convention to him before the meeting of the Alabama convention (which will assemble at the city of Montgomery on the 7th of January, 1861), that the same might be laid before that body. The election of members to the Alabama convention was holden on the 24th of December, 1860. This course was pursued by Governor Moore because the Southern States could not, without violating the Constitution of the United States, make any agreement, form any alliance, nor enter into any compact for their mutual protection before separate State secession; and because all that can be done will be to consult generally as to what would be best and afterward to secede separately as emergencies might demand, and thereafter co-operate in the formation of such confederacy as might tend to the general welfare. Under this state of facts the undersigned was, by Andrew B. Moore, Governor of the State of Alabama, on the 18th of December, 1860, commissioned to the State of Missouri to consult and advise with His Excellency the Governor of Missouri and with the Legislature and all other public functionaries of said State, touching the premises as to

what shall be deemed best to be done to protect the rights, interests, and honor of the slave-holding States; and all of which is respectfully submitted to elicit the counsel and opinion of the State of Missouri as to what is best to be done by the slave-holding States in the present political crisis, and all of which I respectfully submit to elicit the consultation and advice of the State of Missouri in the premises.

Respectfully,

WM. COOPER,
Commissioner from Alabama.

[Inclosure No. 2.]

EXECUTIVE DEPARTMENT,
City of Jefferson, December 30, 1860.

His Excellency A. B. MOORE,
Governor of Alabama, Montgomery, Ala.:

SIR: I acknowledge with pleasure the receipt of your favor of the 18th instant, accrediting and introducing to me Mr. William Cooper as a commissioner from Alabama to Missouri, to confer with proper authorities in this State respecting all matters connected with the present political and governmental crisis in the United States. I am truly gratified and the people of Missouri will be pleased to learn that you have taken a course which looks to a friendly conference of all the slave-holding States. Be assured, sir, that in Missouri we have a lively appreciation of the practical injuries suffered from the interference and depredations of Northern fanatics. Owing to the peculiarity of our geographical position, being bounded by nearly 1,000 miles of free territory, our State probably suffers more from the loss and abduction of slaves than any of her sisters, and our people are determined to seek redress for their wrongs and full security and indemnity for their rights. At the same time they are, so far as I am advised, equally opposed to separate or immediate action upon a subject of so grave importance. The people of Missouri will still seek for the acknowledgment and vindication of their rights within the Union rather than "fly from present evils to those we know not of," and when the terms of a fair adjustment are refused will be prepared to join with the slave-holding States in united measures for the redress of our common grievances. For a further exposition of my views on this subject I beg to refer you to my forthcoming annual message to the General Assembly of Missouri, which you will doubtless receive before the meeting of your State convention on the 7th proximo, as also that of my successor, of whose opinions I am not specially advised. In the meantime be assured that every courtesy which the representatives of a great and generous people know how to bestow will be cordially extended to the worthy and gentlemanly commissioner who comes here honored with the confidence of Alabama.

Yours, respectfully,

R. M. STEWART.

[Inclosure No. 3.]

At an adjourned meeting of the members of the Legislature of Missouri, held at the capitol on Saturday, December 29, 1860, prior to the meeting of the General Assembly, after the address of the Hon. William Cooper, commissioner from the State of Alabama, Dr. John Hyer, senator from Dent, was elected chairman, and R. C. Cloud, esq., of Pemiscot, was elected secretary.

Hon. M. M. Parsons, senator from Cole, offered the following:

Resolved, That we have heard with deep interest the address of the Hon. William Cooper, commissioner appointed from the State of Alabama to consult with us in regard to what course the slave-holding States should take under the present crisis, and that we will during the coming session express our opinions officially upon the questions now distracting the Union, and will furnish His Excellency the Governor of Alabama with a copy of such resolutions on the subject as the General Assembly may adopt.

Which was unanimously adopted.

Hon. Thomas W. Freeman, representative from Polk, offered the following:

Resolved, That the secretary of this meeting be directed to transmit a copy of the resolution adopted by this meeting to His Excellency the Governor of Alabama by Hon. William Cooper, commissioner from that State.

Which was unanimously adopted, and thereupon the meeting adjourned.

R. C. CLOUD,
Secretary.

[Inclosure No. 4.]

My Dear Shields: I observed in the last Expositor a call for a meeting, to take place in Lexington on the 10th of this month, to consider the course the Southern people should pursue under the menaces and threats of Black Republicanism. From the free and outspoken terms in which this call is made, and the unqualified language used in setting forth the objects of the meeting, those of us at a distance cannot but infer that the good people of "old La Fayette" are determined to assert the rights which belong to them under the Constitution and set themselves right before the world. I rejoice to see that the men of all parties have freely signed this call, and I trust in God they will have the metal and the nerve about them when they shall assemble together to look all impending danger squarely in the face, and firmly but respectfully declare to the world where they will be found in the fearful crisis which now overhangs our common country. The time has come, in my judgment, when a settlement of all the questions in controversy must be had. That settlement, to be of any value, must be full, complete, and final, and expressed in such terms that no one can doubt the exact meaning of the settlement. In the call for your meeting you have declared your purpose to demand an "unconditional repeal" of all the personal-liberty laws which have been passed by the free States. This is a step, I think, well taken, and leads in the right direction. But does it go far enough? Does it reach the heart of the disease? Nothing short of the most positive and binding obligations would I accept in the proposed settlement. Suppose those offending States should agree to repeal their odious enactments, and should actually do it, may they not re-enact them the year following? They have already violated one bargain, under the pretense of construing it differently from us. In making the next agreement let it be made so plain that the wayfaring man, though in a gallop, cannot mistake its meaning. You know the Constitution has not the word slave or slavery in it. Our fathers, who made it, were in reference to this subject possessed of a little mock modesty, or, perhaps, more properly speaking, they were a little too mealy-mouthed to speak out "in meeting" fully what they thought and meant. Now, everybody knows exactly what they meant; yet the Abolitionists and Black Republicans are beginning to deny its true intent and meaning. You

know this is so; every man knows it. Should we, then, accept anything less than an amendment to the Constitution setting forth in the plainest terms the exact agreement entered into? I do not know that we should ask this by way of amendment, but rather as an explanation of the true meaning of the Constitution. We should also require a proper penalty of every State that has failed to comply in good faith with the Constitution and laws upon this subject. Each State that permits its citizens, in the way of armed mobs or otherwise, to obstruct the faithful execution of the fugitive slave law should be held responsible to the owner of the slave for all damages and costs in the case. It has occurred to my mind that we should demand this or something like it. I will not differ with friends in the matter of detail or mere form of the thing; so I get the substance I should feel satisfied.

Some of the Union savers and some of our more timorous friends are insisting that we must wait yet a while longer, until Lincoln shall commit some "overt act." They tell us his election is no good cause for secession. I agree that the mere form or manner of Lincoln's election does not furnish good and sufficient grounds for secession; but when we consider that Lincoln is the representative man of the Black Republican party; that he was taken up by the Chicago convention, and afterward elected by his party, solely because he was the author of the declaration that "this Government cannot endure permanently half slave and half free," I ask if his election under these circumstances is not committing the "overt act." Can we regard it as anything less than a declaration of war upon the whole slave property of all the Southern States? Is it not a moral dissolution of the Union, a virtual disruption of the Government? For myself I cannot but regard the election of Lincoln as having brought to a focus all the threats and agitations of the last thirty years; as severing the political ties which have held together the people of the Northern and Southern States; as alienating their affections and placing them, to a great extent, in the position of two opposing armies, standing in hostile array to each other. But, my dear sir, do not understand me as undertaking to dictate what should be done. I simply took up my pen, on reading your call for a meeting, to say to you that you have my hearty approval and warmest sympathies in this movement. We shall hold a meeting in Saline on the 14th and would be glad to have you with us if it would not put you to too much trouble. This is all I intended to say in the outset, but as I have a little space I will add a word more. I think the people of each Southern State should hold conventions at once, and these conventions should appoint delegates to a general convention of all the Southern States, where they could all agree on what ought to be demanded, and that all might act in concert in carrying out the measures and policy agreed upon. Had I been acting Governor of the State I should have called the Legislature together before now, in order that they might consider the question of calling a convention, and at the same time, if thought proper, to dispatch a commissioner to South Carolina, Georgia, &c., asking them, as friends, not to go out of the Union by any hasty step, but remain with us and meet us in convention, and, if go we must, let us all go out together. Let us exhaust all the means in our power to maintain our rights in the Union; let us preserve the Government, if possibly in our power; but if, after having tried all the remedies within our grasp, these should fail, as I fear they will, then I say, let us dissolve the connection and maintain the rights which belong to us at all hazards and to the last extremity.

In my arguments upon this subject I have thought it a waste of words and time to discuss the abstract right of secession. To us it does not matter whether it be a constitutional remedy or not. What right has the Black Republican or his allies to read us lectures on constitutional rights after having violated with impunity the plainest provisions of the Constitution for more than thirty years? I pray that our friends may not be betrayed into any rash acts or measures. Let there be no threats, no bravado, no gasconading; but firmly and determinedly let us take our position in the right and stand by it to the last.

C. F. JACKSON.

[JANUARY 7, 1861.—For Yulee to Finegan, inclosing copy of resolutions adopted at a consultation of Senators from the seceding States, see Series I, Vol. I, p. 443.]

WASHINGTON CITY, *January 7, 1861.*

His Excellency A. B. MOORE:

MY DEAR SIR: At a caucus of Senators from the States of Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, and Texas, in which all were present but Mr. Toombs and Mr. Sebastian, the inclosed resolutions were adopted, the first and second with but one dissentient, and the third with but four. Members of the House of Representatives from those States were not present, because there was not time to summon them, and, in fact, many of them had left this city. There was a common understanding that the Senators of each State should communicate the resolutions and action of the caucus to the Governor of their State, to be used as might be deemed best on consultation with members of the convention or Legislature that might be assembled. I wish to invoke attention to the third resolution, and to make such explanation as is necessary to prevent any misconstruction of the motive of those who voted for it. It will at once occur to your mind that there is a plain incongruity between the first and third resolutions; that after a State has seceded from the present Federal Union its Senators and Representatives have no right to seats in this Congress. Such must be the conclusion of all who maintain the right of secession. This was admitted by the caucus, not excepting, I believe, one of those who voted for the third resolution. But the Black Republicans deny the right of secession; insist that the late Senators and Representatives from South Carolina are still members of the respective houses to which they were elected, and the names of those Representatives (by order of Speaker Pennington) and of those Senators (without order or objection) are still called as if present. They are, therefore, estopped from objecting to the votes of Senators and Representatives from other States that may secede before the 4th of March next, if any retain their seats after the secession of their State.

There is a manifest purpose of the Black Republicans in both houses of Congress to use the power they may have, when the Senators and Representatives of the cotton States leave here, to enact every species of legislation which hate of the South and lust of power and plunder may suggest. Bills extending the districts for the collection of revenue, so as to authorize collections on board of war vessels in view of Southern ports; increasing the tariff and making it discriminate more against the South; increasing the Army and Navy; calling for

volunteers and offering them bounties in land and money; employing the militia; authorizing loans and issuing Treasury notes; indeed, every bill will be passed which they can pass and may deem necessary to strengthen the arm of Government and to enable Mr. Lincoln to enforce payment of revenue at Southern ports or to blockade them, or to commence war upon the South as soon as he is installed in office. Such legislation might, probably, be defeated, if the delegates from the cotton States about to secede remained in their seats till the 4th of March; and a new Congress could not be convened before September next, by which time we might be fully prepared for war and strengthened by the alliance of all the slave-holding States. On the other hand, it may be well asked whether it will comport with the dignity and honor of Alabama, after she has seceded from the Union, to authorize her Senators and Representatives to hold their seats in this Congress. Or can she with credit pass an ordinance of secession and yet direct them to retain their seats? I submit the resolutions, to be sent to the convention for their consideration if you deem it proper or expedient. I owe it to myself to say that I do not wish to remain here, and if I consulted my own feelings, interest, or opinions I would not stay a day after the secession of my State.

I am, most respectfully, your friend and servant,

C. C. CLAY, JR.

[Inclosure.]

Resolved, That in our opinion each of the Southern States should, as soon as may be, secede from the Union.

Resolved, That provision should be made for a convention to organize a confederacy of the seceding States, the convention to meet not later than the 15th of February, at the city of Montgomery, in the State of Alabama.

Resolved, That in view of the hostile legislation that is threatened against the seceding States, and which may be consummated before the 4th of March, we ask instructions, whether the delegations are to remain in Congress until that date, for the purpose of defeating such legislation.

Resolved, That a committee be and is hereby appointed, consisting of Messrs. Davis, Slidell, and Mallory, to carry out the objects of this meeting.

SECOND DAY.*

JANUARY 8, 1861.

* * * * * * *

On this day Mr. Watts placed the following dispatches before the convention:

WASHINGTON, *January 7, 1861.*

The Republicans in the House to-day refused to consider the Border-State compromise, complimented Major Anderson, and pledged to sustain the President.

MOORE AND CLOPTON.

RICHMOND.

Governor MOORE:

Legislature passed by 112 to 5 to resist any attempt to coerce a seceding State by all the means in her power. What has your convention done? Go out promptly, and all will be right.

A. F. HOPKINS.
F. M. GILMER.

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*From Journal of the Alabama Convention.

The Governor sent up the following message in answer to the resolution of yesterday:

EXECUTIVE DEPARTMENT,
Montgomery, Ala., January 8, 1861.

GENTLEMEN OF THE CONVENTION:

In obedience to the resolution adopted by the convention yesterday, requiring me to communicate any information I may have respecting the condition of the country, I herewith transmit such information as is in my possession touching the public interests, and a brief statement of my acts in regard thereto, and the reasons therefor. All of which are respectfully submitted to the consideration of the convention.

Very respectfully,

A. B. MOORE.

[Inclosure.]

The General Assembly at its last session passed unanimously, with two exceptions, resolutions requiring the Governor, in the event of the election of a Black Republican, to order elections to be held for delegates to a convention of the State. The contingency contemplated having occurred, making it necessary for me to call a convention, writs of election were issued immediately after the votes of the Electoral College were cast. It was my opinion that under the peculiar phraseology of the resolutions I was not authorized to order elections upon the casting of the popular vote. I therefore determined not to do so.

As the slave-holding States have a common interest in the institution of slavery, and must be common sufferers in its overthrow, I deemed it proper, and it appeared to be the general sentiment of the people, that Alabama should consult and advise with the other slave-holding States, so far as practicable, as to what is best to be done to protect their interests and honor in the impending crisis. And seeing that the conventions of South Carolina and Florida would probably act before the convention of Alabama assembled, and that the Legislatures of some of the States would meet, and might adjourn without calling conventions, prior to the meeting of our convention, and thus the opportunity [be lost] of conferring with them upon the great and vital questions on which you are called to act, I determined to appoint commissioners to all the slave-holding States. After appointing them to those States whose conventions and Legislatures were to meet in advance of the Alabama convention, it was suggested by wise counselors that if I did not make similar appointments to the other Southern States it would seem to be making an invidious distinction, which was not intended. Being convinced that it might be so considered, I then determined to appoint commissioners to all the slave-holding States, and made the following appointments: A. F. Hopkins and F. M. Gilmer commissioners to Virginia, John A. Elmore commissioner to South Carolina, I. W. Garrott and Robert H. Smith commissioners to North Carolina, J. L. M. Curry commissioner to Maryland, David Clopton commissioner to Delaware, S. F. Hale commissioner to Kentucky, William Cooper commissioner to Missouri, L. P. Walker commissioner to Tennessee, David Hubbard commissioner to Arkansas, John A. Winston commissioner to Louisiana, J. M. Calhoun commissioner to Texas, E. C. Bullock commissioner to Florida, John Gill Shorter commissioner to Georgia, E. W. Pettus commissioner to Mississippi.

All these gentlemen are well known to the people of Alabama, and distinguished for their ability, integrity, and patriotism. The following is a copy of the commission to each of them, in substance.*

* * * * * * *

I herewith transmit to you the reports, so far as they have been received, and will lay before the convention any others that may be made immediately on their receipt. I trust that my course in the appointment of these commissioners will meet the approbation of the convention. Having satisfactory evidence to believe that Alabama would withdraw from the present Union, I considered it my duty to take such steps as would enable the convention and Legislature to provide the means of putting the State in a condition to protect and defend her citizens in the event of her secession. Knowing that the treasury was not provided with funds sufficient for the purpose; that bonds, at such a crisis, could not be sold out of the State, except at a great sacrifice, and believing that at such a time additional taxation upon the people should be avoided, if possible, I determined to take the responsibility of requesting the banks to suspend specie payments, for the purpose of retaining their specie to aid the State, provided it should become necessary.

* Omitted.

With this view I addressed a letter to each of the banks, a copy of which will be found in the following address to the people of Alabama, published on the [17th] day of December, 1860. I refer the convention to this address for a full statement of the reasons which induced my action in this matter:

"EXECUTIVE DEPARTMENT,
"*Montgomery, Ala., December 17, 1860.*

"THE PEOPLE OF ALABAMA:

"Strong appeals have been made to me by many citizens from different sections of the State to convene the Legislature for the purpose of providing the ways and means of protecting the interests and honor of the State in the impending crisis, and for the further purpose of authorizing the banks to suspend specie payments, to enable them to furnish greater facilities for moving the cotton crop, and thus relieve, to some extent, the embarrassed condition of the cotton market and the people. These appeals were made by those whose opinions are entitled to the highest respect, and are disconnected with the banks, either as directors or stockholders. After giving to the subject the fullest consideration, and viewing it in all its bearings, I determined not to convene the Legislature, for reasons which I will now give. I did not doubt, and do not now, that the convention to meet on the 7th of January will determine that Alabama shall withdraw from the present Union at an early day. Should this contingency occur it will be necessary forthwith to convene the Legislature to provide for whatever the action of the convention may render necessary in the way of legislation. The imposition upon the State of the expenses of the convention and two extra sessions of the Legislature at this time, when economy is a matter of the highest consideration, ought to be avoided if it could be done consistently with the public interests. If the Legislature could anticipate the action of the convention and provide for it, it would supersede the necessity of convening after the convention shall have acted; but this would be impossible.

"It was my opinion that if I issued a proclamation calling an extra session of the Legislature every one would believe that the object, in part, was to authorize the banks to suspend specie payments. This would have caused an immediate run upon them, and would in a great measure have exhausted their specie, and thus rendered them unable to aid the State in her emergency or relieve the people. It appeared to me that these difficulties could be avoided by the banks and myself assuming responsibilities which never should be done under any other circumstances. I considered it a matter of the utmost importance that the specie in the vaults of the banks should be kept there, so far as it could be done, in order to aid the State in providing the means to sustain herself in the approaching crisis. It would be inexpedient at such a time to tax the people, and State bonds could not now be sold except at a great sacrifice. I considered it the duty of banks, upon whom extraordinary privileges had been conferred, to come to the aid of the State in her hour of need, and therefore determined to request them at the same time to suspend specie payments and retain their specie for the benefit and security of the State so far as might be necessary. In this way a run upon the banks would be avoided, and they would remain in a condition to relieve the State from immediately taxing her people, or selling bonds at a heavy discount, and render unnecessary an extra session of the Legislature before the meeting of the convention. The extension of relief to the people in selling their cotton crops would follow as an incident. In consideration of the premises, I addressed to each of the banks a letter, of which the following is a copy:

"'EXECUTIVE DEPARTMENT,
"'*Montgomery, Ala., December 4, 1860.*

"'THE PRESIDENT AND DIRECTORS OF THE CENTRAL BANK OF ALABAMA,
"'*Montgomery, Ala.:*

"'GENTLEMEN: The peculiar and extraordinary state of public affairs and the interest of the State make it a matter of State necessity to retain in the vaults of the banks all the gold and silver in their possession. From present prospects there can scarcely be a doubt that Alabama will secede from the Union before the 4th day of March next. Should that contingency occur, it will be necessary for the State to raise not less than $1,000,000 in specie, or its equivalent. Under the circumstances which surround us we could not sell State bonds either in the North or in Europe, except at a ruinous discount; and it would be inexpedient to tax the people immediately for that purpose. How, then, can the State secure the money that may be necessary in her emergency? But one practicable plan now presents itself to my mind, and that is, to call upon the banks of the State

to come to our aid. The course of events and the suspension of the South Carolina and Georgia banks will create more or less uneasiness in the minds of bill-holders, and will induce many of them to draw the specie from the banks to the extent of the notes they may hold, and thus render the banks unable to aid the State as they otherwise could do. I am strongly urged, from various parts of the State, to convene the Legislature for the purpose of authorizing the banks to suspend specie payments and thus enable them to retain their specie for the purposes suggested. I have reflected much and anxiously upon the subject. I am satisfied, were I to convene the Legislature for the purpose stated, that it would produce a run on the banks and in a great measure exhaust their specie and defeat the object I have in view.

"'With the view, then, of enabling the banks to retain their specie for the purpose aforesaid, I deem it my duty, under the circumstances, to advise and request them to suspend, all at the same time. The high and patriotic motives which would induce the act would sustain the banks and me. There can be no doubt that the convention and Legislature, soon to meet, will sustain and legalize the act. I will sanction it, and will institute no proceedings against them; and in my message to the Legislature and convention will urge them to sanction the act, which I am sure they will do. If need be, after the suspension, I will write an address to the people of the State, stating the facts and circumstances under which the step was taken. I am satisfied that the banks are in a sound condition and can maintain it through the present crisis, but it will render them unable to give the State that aid she will need. I have written similar letters to all the banks. The contents of this communication are respectfully submitted to your consideration.

"'Very respectfully, your obedient servant,

"'A. B. MOORE.'

"At my suggestion and request, and for the purposes stated in my letter, the Commercial Bank at Selma, the Central Bank at Montgomery, and the Eastern Bank at Eufaula suspended this day. It is due to those banks that I should say (being advised of their condition) that they are able to sustain themselves through the crisis, and that they have taken this important step with the high and patriotic motive of sustaining the State, as shown by the response of each of them to my letter. Their letters are filed in my office, and would have been published but for the length they would give this communication. There is no necessity for any depreciation in their notes, as there can be no question of their solvency. The circumstances under which they have suspended should relieve them from any censure. If censure is to fall upon any one it should be upon me, and I rely for my justification upon the manifest propriety and necessity of the act, as well as the motives which induced it. The Bank of Mobile and the Southern Bank of Alabama decline to suspend, but patriotically pledge themselves to raise their proportion of the amount suggested in my letter should there be a necessity for it. These two banks being located in Mobile can procure specie and exchange with more facility than the banks in the interior, and are not so liable to be prejudiced by the suspended banks of South Carolina and Georgia. Hence their ability to aid the State without suspending specie payments. The Northern Bank at Huntsville also declines to suspend, on account of peculiar circumstances which surround it. I have now briefly stated the circumstances and facts connected with the suspension of three of our banks, in accordance with the promise contained in my letter, and hope they will be satisfactory to the enlightened and patriotic people of Alabama, for whose benefit this great responsibility has been assumed.

"A. B. MOORE."

I am authorized to say that the banks are prepared to loan the State their proportionate share of $1,000,000 should her necessities require it. The convention is aware that I have had Fort Morgan, Fort Gaines, and Mount Vernon [Arsenal] occupied by the troops of Alabama. My reasons for this important step are briefly and plainly set forth in the following letter to the President of the United States as soon as I was officially informed that the forts and arsenal had been occupied.*

The forts and arsenal will be held subject to such instructions and directions as the convention may think proper to give. Strict orders have been given the officers in command at the places mentioned to take an inventory of the arms and ammunition and public stores, and see that all are protected and preserved.

*For the Governor's letter (here omitted), dated January 4, 1861, see Series I, Vol. I, p. 327.

I am fully aware that in all I have done in regard to the matters herein communicated I have taken great responsibilities. For my justification I rely upon the propriety and necessity of the course I have taken and upon the wisdom and patriotism of the convention and people of Alabama. In this great and trying crisis I have done all I could do to prepare the State for any emergencies that might occur. The great and responsible duty of protecting the rights, interests, and honor of Alabama is now imposed on the convention, and I do not doubt that her present proud and high position will be maintained. May the God of wisdom and justice guide you in your counsels.

A. B. MOORE.

The president laid before the convention the following telegraphic dispatches from the Hon. Edmund W. Pettus, commissioner from Alabama to Mississippi, and from the Hon. E. C. Bullock, commissioner from Alabama to Florida:

JACKSON, MISS., *January 7, 1861.*

A resolution has been passed to raise a committee of fifteen to draft the ordinance of secession.

E. W. PETTUS.

The convention met at 12. Mr. Barry is president. The State will probably secede to-morrow or next day.

E. W. PETTUS.

TALLAHASSEE, FLA., *January 7, 1861.*

Convention by vote of 162 to 5 adopted resolutions in favor of immediate secession. Committee appointed to prepare ordinance of secession.

E. C. BULLOCK.

WASHINGTON, D. C., *January 8, 1861.*

His Excellency A. B. MOORE,
Montgomery, Ala.:

SIR: In the discharge of the duties imposed by your appointment of commissioner from the State of Alabama to the State of Delaware, I prepared and delivered in person to His Excellency William Burton a communication in writing, which I requested should also be submitted to the Legislature, then in session, and a copy of which I herewith transmit to you. The health of my family prevented me from spending as much time with the Governor and Legislature as it was my wish and intention to have done. No reply to my communication has been received. I was assured that the State of Alabama had the sympathy of many of the citizens of Delaware in this trying emergency, although the members of the Legislature, not having been elected in view of the present crisis, would not probably give expression by a majority vote to this sympathy. From the best information which I received, I have no hesitation in assuring Your Excellency that, whilst the people of Delaware are averse to a dissolution of the Union and favor a convention of the Southern States, perhaps of all the States, to adjust and compromise if possible existing difficulties, yet, in the event of dissolution, however accomplished, a large majority of the people of Delaware will defend the South. An effort will be made to procure the call of a convention by the Legislature, which it is hoped will be successful; and then the people of Delaware can decide their own course according to their own conceptions of the requirements of honor, safety, and right. It gives me pleasure to report to Your Excellency my cordial reception by the officers of the

Executive Department of the State of Delaware, and my very agreeable intercourse with them and many of the members of the Legislature.

I have the honor to remain, very truly, yours,

DAVID CLOPTON.

[Inclosure.]

DOVER, DEL., *January 1, 1861.*

SIR: I have the honor to transmit to you the accompanying papers,* including a commission from the Governor of the State of Alabama, appointing the undersigned commissioner to the sovereign State of Delaware "to advise and consult with His Excellency Governor William Burton and the members of the Legislature or State convention, as the case may be, of said State, as to what is best to be done to protect the rights, interests, and honor of the slave-holding States." With a due appreciation of the delicacy and responsibility of the trust confided, and from an earnest desire to discharge its duties in the manner most conducive to the harmony and co-operation so eminently proper in present emergencies, I address Your Excellency this communication and request that it be submitted to your Legislature. The necessity of such consultation and of the appointment of a commissioner for the purpose expressed implies that these rights, interests, and honor are endangered. The causes which have produced, upon the part of the people and Governor of the State of Alabama, this not merely apprehension, but conviction of danger, are indicated in the accompanying commission. In the succession of party triumphs and defeats which have marked the political history of the country, the power and patronage of the Executive Department of the Federal Government will on the 4th of March next pass for the first time under the control of a purely sectional party, which has succeeded by a purely sectional vote. The principles and purposes of this party, as defined in its platforms and by its leaders and presses, are too well understood to render it necessary for me to recall them in detail to the notice of Your Excellency. The fact that it is a sectional party includes the additional fact that its aim will be, by all the means of legislation and of the administration of the Government, to promote and foster the interests and internal prosperity of one section, and to debase the institutions, weaken the power, and impair the interests of the other section. Its animus, its single bond of union, is hostility to the institution of slavery as it exists in the Southern States. Its members, numbering nearly two millions of voters, as evidenced by the late Presidential election, have been collected from all the other various political organizations, and although disagreeing totally upon other important political principles, have nevertheless ignored all these, and been molded into a compact mass of enmity to this particular institution, upon which depend the domestic, social, and political interests of fifteen States of the Union, and which institution was recognized, respected, guarded, and protected by the convention which framed the Constitution and by the people of the States by whom it was ordained and established.

The slave-holding States, notwithstanding the vastness of their interests at stake, will be either unrepresented in the Cabinet councils of the incoming Administration or represented by men who sympathize with this party in its purpose. The same policy will be

*Not found.

pursued by the Executive Department which the President-elect recommended in a public address, when, after having declared the ends to be accomplished, he said:

> To do these things we must employ instrumentalities; we must hold conventions; we must adopt platforms, if we conform to the ordinary custom; we must nominate candidates, and we must carry elections. In all these things I think we ought to keep in view our real purpose, and in none do anything that stands adverse to our purpose.

Those men who direct the sentiment, purpose, and action of this party have notified the people of the slave-holding States that the past policy of the Federal Government is now to be wholly changed; that those principles which have secured our present respect abroad and our past internal prosperity are to be superseded by others which are adverse to the true theory, nature, and designs of the federal government. Mr. Lincoln has left us in no doubt as to his policy. In the address before alluded to, which he delivered at Cincinnati in September, 1859, he emphatically declared:

> I think we want, and must have, a national policy in regard to the institution of slavery that acknowledges and deals with that institution as being wrong. Whoever desires the prevention of the spread of slavery and the nationalization of that institution yields all when he yields to any policy that either recognizes slavery as being right or as being an indifferent thing. Nothing will make you successful but setting up a policy which shall treat the thing as being wrong. When I say this I do not mean to say that this General Government is charged with the duty of redressing or preventing all the wrongs in the world, but I do think that it is charged with preventing and redressing all wrongs which are wrongs to itself. This Government is expressly charged with the duty of providing for the general welfare. We believe that the spreading and perpetuity of the institution of slavery impairs the general welfare. We believe, nay, we know, that that is the only thing that has ever threatened the perpetuity of the Union itself. The only thing which has ever menaced the destruction of the Government under which we live is this very thing. To repress this thing is, we think, providing for the general welfare.

He may suppose that the people of the slave-holding States will be satisfied with the assurance that he does not intend to interfere with slavery in the States; but, in thus supposing, he supposes further, that they have not the manhood and honor to assert and maintain, or do not possess the intelligence to understand, their rights in the Territories or wherever else the jurisdiction of the Government extends, and that they are willing to surrender all the outposts, and leave the citadel unguarded, liable to first covert then open attacks. Notwithstanding this assurance, common sense and experience, our knowledge of human nature and all history, teach that, believing slavery to be a moral and political evil, a wrong to the Government, and that these States cannot exist half free and half slave, Mr. Lincoln will exert all his powers, influence, and patronage "to place it where the public mind shall rest in the belief that it is in the course of ultimate extinction." From these principles and this avowed policy the following propositions may be correctly deduced:

The success of "Republicanism" ignores the sovereignty and disregards the rights of the States by disallowing the concurrent majorities established by the Constitution and perverting the powers of the Federal Government to the redressing of what it may consider to be a wrong in the social, domestic, or local institutions and regulations of any of the States, and by converting that which was intended to be a federal republic into a consolidated, centralized power, a despotism of numbers. Its success destroys the equality of the States by a denial of common and equal rights in the common territories; by the

effectual exclusion of any representative voice on behalf of the slave-holding States in the management of a co-ordinate department of the Government, and by the declared intent to administer that department in a manner hostile to their peace, safety, and prosperity.

Its success subverts and defeats the ends of the Constitution. Instead of forming a more perfect union it has dissolved the Union by compelling the secession of one of its members and the anticipated secession of others. Instead of establishing justice it denies justice to fifteen of the States by refusing to admit any more slave States into the Union, and by the enactment of laws to prevent the rendition of fugitive slaves. It endangers instead of insuring domestic tranquillity by the possession of the channels through which to circulate insurrectionary documents and disseminate insurrectionary sentiments among a hitherto contented servile population. It neglects instead of providing for the common defense by permitting within the limits of some of the States the organization of plans for the armed invasion of others, and by refusing to surrender the criminals when fugitives from justice. It disregards and impairs instead of promoting the general welfare by compassing the destruction of an inestimable amount of property with all its direful consequences. It will rob us of instead of securing to ourselves and our posterity the blessings of liberty by the extinction of a great domestic and social institution, by the overthrow of self-government and the establishment of an equality of races in our midst. Its success overthrows the fundamental principles of the Revolution by denying the freedom of property. This freedom of property is the corner stone of social happiness. As has been said:

> The rights of life, liberty, and property are so intimately blended together that neither can be lost in a state of society without all; or, at least, neither can be impaired without wounding the others.

To maintain the value of property and realize its fullest advantages there must be guaranteed permanence, security, and protection. "Republicanism" proposes to place the right to property in slaves under the ban of a consolidated, centralized General Government, and threatens to employ all its powers and resources to the consummation of the single purpose of destroying this single species of property. When this shall be done, the right to "life, liberty, and the pursuit of happiness" must be involved in common ruin, for the admission of sovereignty in a government admits the universal claim of governmental sovereignty to despotic power over all these, whether it is in form a monarchy, a democracy, or a republic. From these considerations Your Excellency must concur in the opinion expressed by the Governor of the State of Alabama, that—

> The success of said party and the power which it now has and will soon acquire greatly endanger the peace, interests, security, and honor of the slave-holding States, and make it necessary that prompt and efficient measures should be adopted to avoid the evils which must result from a Republican administration of the Federal Government.

You cannot be surprised that, in the opinion of the people of Alabama, the time has arrived when imperious necessity and self-preservation require them to exercise their right to abolish the present Government and institute a new one, laying its foundation in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. I am impressed with a sense of this necessity, and contemplating the possible success

of this party, the General Assembly of Alabama at the session of 1859–'60 adopted joint resolutions by which it was made the duty of the Governor, upon the election of its candidates for the Presidency and Vice-Presidency, to call a convention of the people to "consider, determine, and do whatever, in the opinion of said convention, the rights, interests, and honor of the State of Alabama require to be done for their protection." The Governor, by authority of said joint resolutions, and with the full concurrence of his own opinion, did, on the 6th day of this month, issue a proclamation calling said convention to assemble on the 7th day of January next. Commissioned to advise and consult with Your Excellency, it would be improper to declare at this time and in this communication what, in my opinion, will be the action of that convention. I will simply suggest that the hope of obtaining new and sufficient guaranties, by way of constitutional amendments or otherwise, has abandoned the hearts of all, even the most moderate Southern men. The expressions of Republican presses and the representative men in and out of Congress, the futile efforts of the Senate and House committees, and the persistent silence of Mr. Lincoln have extinguished the last ray of such hope. But even if new guaranties could be obtained, they can bring no sense of security to the Southern mind; they would prove a temporary and delusive truce, a broken reed to pierce hereafter. The slave-holding States have never complained of the insufficiency of the Constitution or of the want of additional and further guaranties. They have asked no more than the faithful observance of those which are contained in the present Constitution. New guaranties will be utterly valueless without an entire revolution in the public temper, prejudices, opinions, sentiments, and education of the people of the non-slave-holding States. Laws passed in compliance with such new guaranties for the security and protection of property in slaves will avail nothing where their execution depends upon the Republican appointees of a Republican President.

Speaking from what I am assured is the determination of the people of the State of Alabama and from what I know to be the opinion of her Governor, they do not propose to violate any section or clause of the Constitution in this movement. Whilst Alabama continues a member of the Union the people and Chief Executive intend, as it is their proud boast to have ever done, to regard and observe that instrument as a sacred compact. Hence the State of Alabama, being in the Union and prohibited by the third clause of the tenth section of the first article of the Constitution, does not propose co-operation in the sense of entering into any agreement or compact with another State or States to abolish the Federal Government or to secede from the Union. After the State has seceded by separate State action, this prohibition of the Constitution no longer restrains or operates upon the sovereign right "to contract alliances, and do all the other acts and things which independent States may of right do." This sufficiently answers the objection, so constantly urged, that several of the cotton States are determined to precipitate the act of secession, and disregard the situation and interests of their sister slave-holding States by refusing to meet them in convention. The people of Alabama recognize the right of the people of each other State to decide upon any infraction of their rights by the Federal Government, and to determine the mode and measure of redress.

The people of Alabama, however, also understand and will observe the comity which should exist between sovereign States, and especially

between the slave-holding States. They fully appreciate the position and condition of the border slave-holding States, and are willing and ready to engage with them in a defense of common rights and safety. Identity of interest is a bond of sympathy. Similar dangers suggest the propriety of similar and simultaneous action, as far as practicable. The withdrawal of all the slave-holding States and the organization of a Southern confederacy would possess a moral, political, and physical power which no government would dare to oppose. Yet the people of Alabama will not assume or pretend to dictate to the intelligent, brave, and patriotic people of the State of Delaware what course their safety, interests, and honor require them to adopt, believing that they are competent and have the right to decide by and for themselves. They ask only to advise and consult together.

To secure such consultation, in order to be informed of the views and opinions of the citizens of other States and to show a due respect for these views and opinions, at the same time avoiding any semblance of a violation of the Constitution, the Governor of Alabama has appointed a commissioner to each of the slave-holding States. It will be my pleasure to advise and consult with Your Excellency and the members of the Legislature, so far as may be agreeable and practicable, and to communicate the views and purposes of Your Excellency and the sentiments and desires of the people of Delaware to the Governor of the State of Alabama by the time of the meeting of the State convention.

I have the honor to be, very respectfully, sir,

DAVID CLOPTON.

MONTGOMERY, ALA., *January 8, 1861.*

His Excellency A. B. MOORE,
Montgomery, Ala.:

SIR: Acting under the authority of the commission received from you, I visited Annapolis to confer in person with the Governor of Maryland. He was absent, and I submitted the inclosed letter, with the request that it be laid before the Legislature when it should be convened. The Governor, prior to my visit, had declined, on the application of the commissioner from Mississippi, and numerous requests, more or less formally presented, from citizens of Maryland, to convene the Legislature to consider the present condition of political affairs. From conversation with prominent citizens, and from other sources, I am firmly of the opinion that Maryland will not long hesitate to make common cause with her sister States which have resolutely and wisely determined not to submit to Abolition domination.

I have the honor to be, with high respect, your obedient servant,

J. L. M. CURRY.

[Inclosure.]

ANNAPOLIS, MD., *December 28, 1860.*

Hon. THOMAS H. HICKS,
Annapolis, Md.:

SIR: The Governor of the sovereign State of Alabama has appointed me a commissioner to the sovereign State of Maryland "to consult and advise" with the Governor and Legislature thereof "as to what

is best to be done to protect the rights, interests, and honor of the slave-holding States," menaced and endangered by recent political events. Having watched with painful anxiety the growth, power, and encroachments of anti-slaveryism, and anticipating for the party held together by this sentiment of hostility to the rights and institutions of the Southern people a probable success, too fatally realized, in the recent Presidential election, the General Assembly of Alabama, on the 24th of February, 1860, adopted joint resolutions providing, on the happening of such a contingency, for a convention of the State "to consider, determine, and do whatever the rights, interests, and honor of Alabama require to be done for their protection." In accordance with this authority the Governor has called a convention to meet on the 7th day of January, 1861, and on the 24th instant delegates were elected to that body. Not content with this simple but significant act of convoking the sovereignty of the people, the State affirmed her reserved and undelegated right of secession from the confederacy, and intimated that continued and unceasingly violent assaults upon her rights and equality might "constrain her to a reluctant but early exercise of that invaluable right." Recognizing the common interests and destiny of all the States holding property in the labor of Africans, and "anxiously desiring their co-operation in a struggle which perils all they hold most dear," Alabama pledged herself to a "cordial participation in any and every effort which, in her judgment, will protect the common safety, advance the common interest, and serve the common cause."

To secure concert and effective co-operation between Maryland and Alabama is in a great degree the object of my mission. Under our federative system each State, being necessarily the sole judge of the extent of powers delegated to the general agent and controlling the allegiance of her citizens, must decide for herself in case of wrong upon the mode and measure of redress. Within the Union the States have absolutely prohibited themselves from entering into treaties, alliances, and confederations, and have made the assent of Congress a condition precedent to their entering into agreements or compacts with other States. This constitutional inhibition has been construed to include "every agreement, written or verbal, formal or informal, positive or implied, by the mutual understanding of the parties." Without indorsing this sweeping judicial dictum, it will be conceded that if the grievance or apprehension of danger be so great as to render necessary or advisable a withdrawal from the confederacy there can be between the States similarly imperiled, prior to separation, only an informal understanding for prospective concert and federation. To enter into a binding "agreement or compact" would violate the Constitution, and the South should be careful not to part with her distinguishing glory of having never, under the most aggravating provocations, departed from the strictest requirements of the Federal covenant nor suggested any proposition infringing upon the essential equality of the co-States. It is, nevertheless, the highest dictate of wisdom and patriotism to secure, so far as can be constitutionally done, "a mutual league, united thoughts and counsels," between those whose hopes and hazards are alike joined in the enterprise of accomplishing deliverance from Abolition domination. To Your Excellency or so intelligent a body as the Legislature of Maryland it would be superfluous to enter into an elaborate statement of the policy and purposes of the party which, by the recent election, will soon have the control of the General Government. The bare fact

that the party is sectional and hostile to the South is a full justification for the precautionary steps taken by Alabama to provide for the escape of her citizens from the peril and dishonor of submission to its rule. Superadded to the sectional hostility the fanaticism of a sentiment which has become a controlling political force, giving ascendancy in every Northern State, and the avowed purpose, as disclosed in party creeds, declarations of editors, and utterances of representative men, of securing the diminution of slavery in the States and placing it in the course of ultimate extinction, and the South would merit the punishment of the simple if she passed on and provided no security against the imminent danger.

When Mr. Lincoln is inaugurated it will not be simply a change of administration—the installation of a new President—but a reversal of the former practice and policy of the Government, so thorough as to amount to a revolution. Cover over its offensiveness with the most artful disguises, and the fact stands out in its terrible reality that the Government, within the amplitude of its jurisdiction, real or assumed, becomes foreign to the South, and is not to recognize the right of the Southern citizen to property in the labor of African slaves. Heretofore Congress, the Executive, and the judiciary have considered themselves, in their proper spheres, as under a constitutional obligation to recognize and protect as property whatever the States ascertained and determined to be such. Now, the opinion of nearly every Republican is, that the slave of a citizen of Maryland, in possession of and in company with his master, on a vessel sailing from Baltimore to Mobile, is as free as his master, entitled to the same rights, privileges, and immunities, as soon as a vessel has reached a marine league beyond the shores of a State and is outside the jurisdiction of State laws. The same is held if a slave be carried on the territory or other property belonging to the United States, and it is denied by all Republicans that Congress or a Territorial Legislature or any individuals can give legal existence to slavery in any Territory of the United States. Thus, under the new Government, property which existed in every one of the States save one when the Government was formed, and is recognized and protected in the Constitution, is to be proscribed and outlawed. It requires no argument to show that States whose property is thus condemned are reduced to inferiority and inequality.

Such being the principles and purposes of the new Government and its supporters, every Southern State is deeply interested in the protection of the honor and equality of her citizens. Recent events occurring at the Federal capital and in the North must demonstrate to the most incredulous and hopeful that there is no intention on the part of the Republicans to make concessions to our just and reasonable demands or furnish any securities against their wrongdoing. If their purposes were right and harmless, how easy to give satisfactory assurances and guaranties. If no intention to harm exists, it can be neither unmanly nor unwise to put it out of their power to commit harm. The minority section must have some other protection than the discretion or sense of justice of the majority, for the Constitution as interpreted, with a denial of the right of secession or State interposition, affords no security or means of redress against a hostile and fanatical majority. The action of the two committees in the Senate and House of Congress shows an unalterable purpose on the part of the Republicans to reap the fruits of their recent victory, and to abate not a jot or tittle of their Abolition principles. They refuse to recog-

nize our rights of property in slaves, to make a division of the territory, to deprive themselves of their assumed constitutional power to abolish slavery in the Territories or District of Columbia, to increase the efficiency of the fugitive slave law, or make provision for the compensation of the owners of runaway or stolen slaves, or place in the hands of the South any protection against the rapacity of an unscrupulous majority.

If our present undoubted constitutional rights were reaffirmed in, if possible, more explicit language, it is questionable whether they would meet with more successful execution. Anti-slavery fanaticism would probably soon render them nugatory. The sentiment of the sinfulness of slavery seems to be embedded in the Northern conscience. An infidel theory has corrupted the Northern heart. A French orator said the people of England once changed their religion by act of Parliament. Whether true or not, it is not probable that the settled convictions at the North, intensely adverse to slavery, can be changed by Congressional resolutions or constitutional amendments. Under Republican rule the revolution will not be confined to slavery and its adjuncts. The features of our political system which constitute its chief excellence and distinguish it from absolute governments are to be altered. The radical idea of this confederacy is the equality of the sovereign States and their voluntary assent to the constitutional compact. This, from recent indications, is to be changed; so that to a great extent power is to be centralized at Washington, Congress is to be the final judge of its powers, States are to be deprived of a reciprocity and equality of rights, and a common government, kept in being by force, will discriminate offensively and injuriously against the property of a particular geographical section.

With Alabama, after patient endurance for years and earnest expostulation with the Northern States, the reluctant conviction has become fixed that there is no safety for her in a hostile Union governed by an interested sectional majority. As a sovereign State, vitally interested in the preservation and security of African slavery, she will exercise the right of withdrawing from the compact of union. Most earnestly does she desire the co-operation of sister Southern States in a new confederacy, based on the same principles as the present. Having no ulterior or unavowed purposes to accomplish, seeking peace and friendship with all people, determined that her slave population, not to be increased by importations from Africa, shall not be localized and become redundant by excess of growth beyond liberty of expansion, she most cordially invites the concurrent action of all States with common sympathies and common interests. Under an abolition Government the slave-holding States will be placed under a common ban of proscription, and an institution, interwoven in the very frame-work of their social and political being, must perish gradually or speedily with the Government in active hostility to it. Instead of the culture and development of the boundless capacities and productive resources of their social system, it is to be assaulted, humbled, dwarfed, degraded, and finally crushed out.

To some of the States delaying action for new securities the question of submission to a dominant abolition majority is presented in a different form from what it was a few weeks ago. One State has seceded; others will soon follow. Without discussing the propriety of such action, the remaining States must act on the facts as they exist, whether of their own creation or approval or not. To unite with the seceding States is to be their peers as confederates and

have an identity of interests, protection of property, and superior advantages in the contest for the markets, a monopoly of which has been enjoyed by the North. To refuse union with the seceding States is to accept inferiority, to be deprived of an outlet for surplus slaves, and to remain in a hostile Government in a hopeless minority and remediless dependence. It gives me pleasure to be the medium of communicating with you, and through you to the Legislature of Maryland when it shall be convened. I trust that between Maryland and Alabama, and other States having a homogeneous population, kindred interests, and an inviting future of agricultural, mining, mechanical, manufacturing, commercial, and political success, a union, strong as the tie of affection and lasting as the love of liberty, will soon be formed, which shall stand as a model of a free, representative, constitutional, voluntary republic.

I have the honor to be, with much respect, your obedient servant,

J. L. M. CURRY.

AN ORDINANCE to dissolve the union between the State of Mississippi and other States united with her under the compact entitled "The Constitution of the United States of America."

The people of the State of Mississippi, in convention assembled, do ordain and declare, and it is hereby ordained and declared, as follows, to wit:

SECTION 1. That all the laws and ordinances by which the said State of Mississippi became a member of the Federal Union of the United States of America be, and the same are hereby, repealed, and that all obligations on the part of the said State or the people thereof to observe the same be withdrawn, and that the said State doth hereby resume all the rights, functions, and powers which by any of said laws or ordinances were conveyed to the Government of the said United States, and is absolved from all the obligations, restraints, and duties incurred to the said Federal Union, and shall from henceforth be a free, sovereign, and independent State.

SEC. 2. That so much of the first section of the seventh article of the constitution of this State as requires members of the Legislature and all officers, executive and judicial, to take an oath or affirmation to support the Constitution of the United States be, and the same is hereby, abrogated and annulled.

SEC. 3. That all rights acquired and vested under the Constitution of the United States, or under any act of Congress passed, or treaty made, in pursuance thereof, or under any law of this State, and not incompatible with this ordinance, shall remain in force and have the same effect as if this ordinance had not been passed.

SEC. 4. That the people of the State of Mississippi hereby consent to form a federal union with such of the States as may have seceded or may secede from the Union of the United States of America, upon the basis of the present Constitution of the said United States, except such parts thereof as embrace other portions than such seceding States.

Thus ordained and declared in convention the 9th day of January, in the year of our Lord 1861.

WILLIAM S. BARRY,
President.

F. A. POPE,
Secretary.

In testimony of the passage of which and the determination of the members of this convention to uphold and maintain the State in the position she has assumed by said ordinance, it is signed by the president and members of this convention this the 15th day of January, A. D. 1861.

OFFICE OF SECRETARY OF STATE,
Jackson, Miss.

I, C. A. Brougher, secretary of state of the State of Mississippi, do hereby certify that the above is a correct copy of the original ordinance of secession as the same remains on file in my office.

Given under my hand and the great seal of the State of Mississippi, hereto affixed, this the 17th day of January, A. D. 1861.

[SEAL.] C. A. BROUGHER,
Secretary of State.

[JANUARY 9, 1861.—For order of Governor Moore, of Louisiana, authorizing the enrollment of a company of volunteers for four months' service, see Series I, Vol. LIII, p. 611.]

AN ORDINANCE to dissolve the union between the State of Alabama and other States united under the compact styled "The Constitution of the United States of America."*

Whereas, the election of Abraham Lincoln and Hannibal Hamlin to the offices of President and Vice-President of the United States of America by a sectional party avowedly hostile to the domestic institutions and to the peace and security of the people of the State of Alabama, preceded by many and dangerous infractions of the Constitution of the United States by many of the States and people of the Northern section, is a political wrong of so insulting and menacing a character as to justify the people of the State of Alabama in the adoption of prompt and decided measures for their future peace and security: Therefore,

Be it declared and ordained by the people of the State of Alabama in convention assembled, That the State of Alabama now withdraws, and is hereby withdrawn, from the Union known as "the United States of America," and henceforth ceases to be one of said United States, and is, and of right ought to be, a sovereign and independent State.

SEC. 2. *Be it further declared and ordained by the people of the State of Alabama in convention assembled*, That all the powers over the territory of said State and over the people thereof heretofore delegated to the Government of the United States of America be, and they are hereby, withdrawn from said Government, and are hereby resumed and vested in the people of the State of Alabama.

Be it resolved by the people of Alabama in convention assembled, That the people of the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, and Missouri be, and are hereby, invited to meet the people of the State of Alabama, by their delegates in convention, on the 4th day of February, A. D. 1861, at the city of Montgomery, in the State of Alabama, for the purpose of

* From Journal of the Alabama Convention.

consulting with each other as to the most effectual mode of securing concerted and harmonious action in whatever measures may be deemed most desirable for our common peace and security.

And be it further resolved, That the president of this convention be, and is hereby, instructed to transmit forthwith a copy of the foregoing preamble, ordinance, and resolutions to the Governors of the several States named in said resolutions.

Done by the people of the State of Alabama, in convention assembled, at Montgomery, on this the 11th day of January, A. D. 1861.

Mr. Clemens, from the minority of the same committee, made a report with resolutions, as follows:

The undersigned, a minority of the committee of thirteen, to whom was referred all matters touching the proper mode of resistance to be adopted by the State of Alabama in the present emergency, beg leave to present the following report:

Looking to harmony of action among our own people as desirable above all other things, we have been earnestly desirous of concurring with the majority in the line of policy marked out by them, but after the most careful consideration we have been unable to see in separate State secession the most effectual mode of guarding our honor and securing our rights. Without entering into any argument upon the nature and amount of our grievances, or any speculations as to the probability of our obtaining redress and security in the Union, but looking alone to the most effectual mode of resistance, it seems to us that this great object is best to be attained by the concurrent and concerted action of all the States interested, and that it becomes us to make the effort to obtain that concurrence before deciding finally and conclusively upon our own policy.

We are further of opinion that in a matter of this importance, vitally affecting the property, the lives, and the liberties of the whole people, sound policy dictates that an ordinance of secession should be submitted for their ratification and approval. To that end the resolutions which accompany this report have been prepared and are now submitted to the convention. The undersigned purposely refrain from a detailed statement of the reasons which have brought them to the conclusions at which they have arrived. The action proposed by the majority of the committee is, in its nature, final and conclusive; there is no chance for rehearing or revision; and we feel no disposition to submit an argument, whose only effect will be to create discontent and throw difficulties in the way of a policy the adoption of which we are powerless to prevent. In submitting our own plan, and using all fair and honorable means to secure its acceptance, our duty is fully discharged. To insist upon objections, when they can have no effect but to excite dissatisfaction among the people, is alike foreign to our feelings and our conceptions of patriotic duty. The resolutions hereinbefore referred to are prayed to be taken as part of this report, and the whole is herewith respectfully submitted.

JERE. CLEMENS.
DAVID P. LEWIS.
WM. O. WINSTON.
A. KIMBALL.
R. S. WATKINS.
R. JEMISON, Jr.

Whereas, repeated infractions of the Constitution of the United States by the people and States of the Northern section of the confederacy have been followed by the election of sectional candidates, by a strictly sectional vote, to the Presidency and Vice-Presidency of the United States, upon a platform of principles insulting and menacing to the Southern States; and whereas, it becomes a free people to watch with jealous vigilance and resist with manly firmness every attempt to subvert the free and equal principles upon which our Government was originally founded and ought alone to be maintained: Therefore,

Be it resolved by the people of Alabama in convention assembled, That the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, and Missouri be, and they are hereby, requested to meet us in general convention in the city of Nashville, in the State of Tennessee, on the 22d day of February, 1861, for the purpose of taking into consideration the wrongs of which we have cause to complain, the appropriate remedy therefor, and the time and manner of its application.

Be it further resolved, That the State of Alabama shall be represented in said convention by nine delegates, one to be selected from each Congressional district and two from the State at large, in such manner as shall hereafter be directed and provided for by this convention.

Be it further resolved, That our delegates selected shall be instructed to submit to the general convention the following basis of a settlement of the existing difficulties between the Northern and the Southern States, to wit:

1. A faithful execution of the fugitive slave law and a repeal of all State laws calculated to impair its efficacy.

2. A more stringent and explicit provision for the surrender of criminals charged with offenses against the laws of one State and escaping into another.

3. A guaranty that slavery shall not be abolished in the District of Columbia, or in any other place over which Congress has exclusive jurisdiction.

4. A guaranty that the interstate slave-trade shall not be interfered with.

5. A protection to slavery in the Territories, while they are Territories, and a guaranty that when they ask for admission as States they shall be admitted into the Union with or without slavery as their constitutions may prescribe.

6. The right of transit through free States with slave property.

7. The foregoing clauses to be irrepealable by amendments to the Constitution.

Be it further resolved, That the basis of settlement prescribed in the foregoing resolution shall not be regarded by our delegates as absolute and unalterable, but as an indication of the opinion of this convention, to which they are expected to conform as nearly as may be, holding themselves, however, at liberty to accept any better plan of adjustment which may be insisted upon by a majority of the slave-holding States.

Be it further resolved, That if the foregoing proposition for a conference is refused or rejected by any or all of the States to which it is addressed, Alabama, in that event, will hold herself at liberty, alone or in conjunction with such States as may agree to unite with her, to adopt such plan of resistance and mature such measures as in her judgment may seem best calculated to maintain the honor and secure the rights of her citizens; and in the meantime we will resist by all means at our command any attempt on the part of the General Government to coerce a seceding State.

Be it further resolved, That the president of this convention be instructed to transmit copies of the foregoing preamble and resolutions to the Governors of each of the States therein named.

And also the following resolution from the same:

Be it resolved by the people of Alabama in convention assembled, That an ordinance of secession from the United States is an act of such great importance, involving consequences so vitally affecting the lives, liberty, and property of the citizens of the seceding State, as well as of the States by which it is surrounded and with which it has heretofore been united, that in our opinion it should never be attempted until after the most thorough investigation and discussion, and then only after a full and free ratification at the polls by a direct vote of the people, at an election held under the forms and safeguards of the law in which that single issue, untrammeled and undisguised in any manner whatever, should alone be submitted.

Mr. Clemens moved that the preamble and first series of resolutions be taken up and substituted for the ordinance.

The ayes and noes were demanded.

The yeas and nays were then called on the motion of Mr. Clemens, and it was lost. Yeas 45, nays 54.

* * * * * * *

Mr. Clemens offered the following amendment:

Provided, however, That this ordinance shall not go into effect until the 4th day of March, 1861, and not then unless the same shall have been ratified and confirmed by a direct vote of the people.

The yeas and nays were taken on the amendment, and were—yeas 45, nays 54; and the amendment was lost.

* * * * * * *

TALLAHASSEE, FLA., *January 11, 1861.*

Hon. J. C. MCGEHEE,
President of Convention:

SIR: I am indebted to the convention of Florida and the people whom they represent for so much kindness and courtesy during my stay here as the commissioner of Alabama that I am unwilling to depart without some formal expression of my gratitude. Be pleased to communicate to them my high appreciation both for myself and on behalf of the State of Alabama of the warmth and cordiality with which I have been received and treated, and my firm conviction, founded on the very recent assurances of her Chief Magistrate, as well as my own judgment, that the secession of Alabama cannot be delayed beyond the present week. Not long divided in their withdrawal from a Union of "irrepressible conflict," I fervently hope that Florida and Alabama will soon be united in that new union of brotherly love in which a homogeneous people, taking their destiny into their own hands, shall exhibit to the world the highest development of free government and the noblest phase of true civilization.

With very great respect, your obedient servant,

E. C. BULLOCK.

SEVENTH DAY.*

* * * * * * *

Mr. Bragg, by leave, read dispatch from Mobile, as follows:

MOBILE, *January 13, 1861.*

JOHN BRAGG:

Have you passed the ordinance for collection of duties, clearance of vessels, and disposing of U. S. property? I have resigned and I hold treasure for the State, waiting its instructions. Please answer.

THADDEUS SANFORD.

* * * * * * *

Mr. Baker, of Barbour, by leave, read a dispatch from Governor Perry, of Florida, as follows:

TALLAHASSEE, FLA., *January 14, 1861.*

Governor A. B. MOORE,
Executive Department:

Telegraph received. Can you send 500 stand of arms to Colonel Chase?

M. S. PERRY.

The communication from Messrs. Pugh and Curry, former members of Congress from this State, was read as follows:

MONTGOMERY, ALA., *January 10, 1861.*

Hon. WILLIAM M. BROOKS,
President of the Convention:

SIR: In response to the resolution adopted by the convention requesting us to communicate in writing any facts or information which may be in our possession touching the action of Congress and the purpose of the Black Republican party which would aid the body in its deliberations, we state, with a due appreciation of the high compliment contained in such a request, that the facility and frequency of communication between this city and Washington are so great as to render accessible to every reader of the public prints nearly every source of information which is open to a member of Congress. It gives us pleasure to comply, so far as we can, in presenting the object of your assembling.

Early in the session a committee of thirty-three was appointed by the House of Representatives to consider the perilous condition of public affairs and report

* From Journal of the Alabama Convention, January 14, 1861.

thereon to the House. The material of that committee represented the conservatism of the Union men South and the Republicans North. After frequent attempts to agree on some adjustment of political difficulties several Southern members withdrew from its deliberations, and the committee at last utterly failed to adopt or agree upon any terms satisfactory to the most moderate and yielding. At a later day a committee of thirteen, for a similar purpose, was appointed by the Senate. It was composed of the representative men of both sections and all parties, and after several fruitless and earnest efforts reported inability to agree upon any plan of settlement.

The belief prevails with no well-informed man of either section in Congress, excepting those who are willing to submit without terms to the election of Lincoln and Hamlin, that any settlement can be had in the Union. The determination is universal with the Republicans of all degrees of hostility to slavery to abate nothing from their principles and policy as defined in the Chicago platform. It is the fixed purpose of the Republican party to engraft its principles and policy upon the Federal Government. Prominent Republicans have represented to us that if they were faithless enough to retract from the platform on which they obtained power their constituents would crush them.

We have been assured by many resistance men in the border slave-holding States that they have no hope of a settlement of existing difficulties in the Union and are anxious for the cotton States to secede promptly. Some favor, or have favored, a consultation of all the Southern States to negotiate for new guaranties, with but little or no expectation of obtaining them, but for the purpose, in the event of failure, of securing the ultimate contemporaneous secession of such States. Our settled conviction is that a large majority of our friends in the Border States disposed to resist Republican ascendency desire the immediate secession of the cotton and Gulf States, in which event the only question left for such States will be to select between the seceding and friendly States and a hostile Government, and on the determination of that issue there will be but an inconsiderable opposition.

It is the concurrent opinion of many of our friends in the Border and Northern States that the secession of the cotton States is an indispensable basis for a reconstruction of the Union. Possibly the most important fact we can communicate is that the opinion generally obtained in Washington that the secession of five or more States would prevent or put an end to coercion, and the New York Tribune, the most influential of Republican journals, concedes that the secession of so many States would make coercion impracticable.

We have the honor to be, most respectfully, your obedient servants,

J. L. PUGH.
J. L. M. CURRY.

After the reading the document was laid on the table.

Mr. Dowdell offered the following resolution, which was adopted:

Resolved by the people of the State of Alabama in convention assembled, That the commissioners heretofore appointed by the Governor of this State to the several slave-holding States be, and they are hereby, directed to present to the conventions of said States the preamble, ordinance, and resolutions adopted by the people of the State of Alabama, in convention, on the 11th day of January, 1861, and to request their consideration of and concurrence in the first resolution.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., January 14, 1861.

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

Events of the utmost moment have rendered it necessary that your body should be assembled. At the last session of the General Assembly joint resolutions were adopted making it my duty, in the event of the election of a President by the Black Republican party of the United States, to issue my proclamation to the qualified voters "to elect delegates to a convention of the State to consider, determine, and do whatever, in the opinion of said convention, the rights, interests, and honor of the State of Alabama required to be done for their protection."

The result of the election by the popular vote clearly manifested the certainty of the election of their candidate by that party, and on the 6th day of December, 1860, he was elected by a majority of the electoral vote of the United States. The contingency provided for in the joint resolutions having occurred, I felt it my duty to obey their instructions at the earliest moment afterward, and on the 7th day of December, 1860, issued my proclamation accordingly, and also issued to the sheriffs of the several counties in the State the necessary writs of election to be held on the 24th day of December last.

Before this convention assembled great and important changes had taken place in public affairs, and especially in some of the Southern States. South Carolina, acting under a sense of the common wrong and threatened danger to her sister slave-holding States, in the exercise of her sovereignty, in a convention of her people, on the 20th day of December, 1860, repealed the ordinance by which she ratified the Constitution of the United States, as the compact of union between herself and the other States, and resumed all the powers which, by that compact, she delegated to the Government of the United States. Florida, Mississippi, Georgia, Texas, and Louisiana also called conventions of their people to consider of the exigencies pressing upon them, and the two first have followed the example of South Carolina and withdrawn from the union with the United States, and there can be no question that the others will do the same.

The action of the people of Alabama in their convention in withdrawing from the Federal Union is already known to you. This exercise of the sovereign power of the State "to protect the rights, interest, and honor" of her people, in my opinion, must be regarded as one of wisdom, and, indeed, of political necessity. The rights of the State and the interest of her citizens were no longer protected in the Union, and unless it was determined to abandon all hope of their preservation no other resource was left than to withdraw from the Union and throw off a government that failed to secure them.

Whatever differences of opinion may have existed as to the proper course of the State, it gives me pleasure to say that I have the strongest assurances that they will all cease, and that all the citizens of the State, in obedience to this organic law of the sovereign power, will sacrifice their objections on the altar of their country, and with one heart sustain the State in this great movement of deliverance and liberty. I believe it will require all the courage, fortitude, and patriotism of her sons to meet and overcome the approaching storm; but I have an abiding confidence that they will prove themselves equal to the emergency and deserving the great destiny that awaits them in the future. The events that occurred in the harbor of Charleston after the secession of South Carolina are matters of history. The accounts received from Washington all tended to induce the conviction that the Government of the United States intended to adopt a system of coercion against all the States that might secede from the Union. Governor Brown, of Georgia, acting upon this belief, seized upon Fort Pulaski, at the mouth of the Savannah River, in the name of the State of Georgia, and telegraphed me of that event. Satisfied that the State of Alabama would not remain in the Union, and in view of the indications of intention on the part of the Federal Government to coerce the seceding States, I could no longer hesitate as to the course my duty to the State required me to pursue. I could not wait until that Government had thrown troops into the forts commanding the entrance into the harbor of Mobile, and thus place that city and the State at the

mercy of the ships of war of the United States. To regain possession of these posts would have cost the State thousands of treasure and the best blood of her sons. There were in the arsenal of the United States at Mount Vernon, on the Alabama River, a large supply of powder and small-arms, which might be used against the State. Acting under these considerations, I transmitted orders by telegraph, on the night of —— January, to ———, at Mobile, to take possession of Forts Morgan and Gaines, at the mouth of Mobile Harbor, and of the arsenal at Mount Vernon, with all their arms, ammunition, and equipments, and hold them in the name of the State of Alabama. It gives me pleasure and pride to make known the gallantry and promptitude with which this order was responded to by the officers and men selected for that purpose. The dispatch was sent from this place at 9 a. m., and the forts, forty miles from Mobile, were taken possession of on the next night, and the arsenal, some fifty miles from Mobile, was seized about daylight next morning, and they are now held in the name of this State by her volunteer troops. In the forts were some hundred cannon—32 and 24 pounder guns—and in the arsenal about 22,000 stand of small-arms and 150,000 pounds of powder. Of the small-arms about 2,000 were Mississippi rifles and the remainder muskets. I directed the officers in command at these posts to make out an accurate inventory of the arms and materials thus obtained. As soon as I was informed that these posts were in possession of the troops of the State I communicated the facts to the President of the United States, with a summary of the reasons which induced my action,* to which he has not replied. If more specific information of the arms and conditions of the forts is desired I will furnish it with pleasure.

Early in December last I was urged to convoke the Legislature for the purpose, among others, of authorizing the banks of the State to suspend specie payments in order to relieve the community in their embarrassed condition. I declined at that time to do so for the reasons stated by me in an address to the people of the State, a copy of which address is hereto attached,† and to which I beg to call your attention. In view of the condition of the State, and the absolute necessity of her having money on her secession—and which event I confidently anticipated—I made arrangements with the two banks in Mobile, the Commercial Bank at Selma, the Central Bank at Montgomery, and the Eastern Bank at Eufaula that they should, if required by the Legislature, furnish to the State a loan of $1,000,000 in specie or its equivalent.

I requested and urged upon them to suspend payments of specie for the purpose of furnishing the sum designated to the State, and to relieve the community as far as possible by such assistance as they would then be able to give. This amount of $1,000,000 is to be advanced by the several banks in proportion to their respective capitals. The two banks at Mobile agreed to advance a proportional part of the above sum, but declined to suspend. The Commercial Bank, the Central Bank, and the Eastern Bank agreed to advance their respective proportions and suspended specie payments, upon my promise to institute no proceedings against them, and to urge upon the General Assembly the propriety of its sustaining such suspensions. The circumstances under which these latter banks

* See Series I, Vol. I, p. 327. † See December 17, 1860, p. 31.

acted, and the motives which prompted them, commend their conduct to the approval of every patriotic citizen of the State, and I earnestly suggest that the Legislature, by legal enactments, sanction their suspension. I would further recommend that the other banks of the State be severally authorized to suspend on lending to the State, in specie or its equivalent, a sum in proportion to their respective capitals, of like amount with that agreed to be furnished by the first-named banks, and to be secured in like manner.

In the important change of the condition of the State other and more enlarged duties devolve upon you for consideration. . From all the indications it is to be inferred that this State must maintain her sovereignty and independence by force of arms. The Government of the United States, in its infatuation, seems determined to use force against some or all of the seceding States. Alabama cannot expect to escape while her sister States are subjected to this last argument of kings. Even if no hostile demonstration was made against her, it would not become her dignity, or honor, or interest to stand by and see the power of the Government of the United States used to crush a single slave-holding State. The instincts of self-preservation would compel Alabama to aid such slave-holding State, engaged in the same cause and having the same destiny, with all the means in her power. We desire peace with all the world, and especially with the Government of the United States and the other States composing the United States. To obtain permanent peace and security of our rights we withdraw from the Union; but the best way to obtain these is to be prepared for war, and if the dread alternative is presented not to shrink from the contest, but meeting it as freemen leave the consequence to that Being who holds in His hands alike the destiny of men and nations.

I would recommend, then, that the State of Alabama be placed, at as early a period as practicable, upon the most efficient war footing. The first requisites of this condition are money, men, and arms. I have already indicated that a loan of $1,000,000 has been secured from the banks. I would recommend that you adopt the necessary steps to have this agreement consummated. I would further recommend that the State borrow another $1,000,000 on her bonds in sums of $500 and $1,000 each, bearing interest at 8 per cent., with the interest payable annually, and to be sold within the State at par—the bonds payable in not less than ten years. I would also advise that executors, administrators, guardians, and all other trustees having trust funds to invest be authorized to invest such funds in these bonds. Not only will these securities be sought after for investment, but thousands of patriotic hearts who have not the ability of the noble sons of South Carolina to make gratuitous contributions will thus be enabled to throw in their mite for the support of the same glorious cause.

I would also suggest that the General Assembly make provision for raising, arming, and officering a regular force of troops of the State, and adopt such army regulations therefor as may be necessary. The regulations for the Army of the United States might form a basis for the system. Enlistments for twelve months, two years, or to the close of hostilities might be adopted, to be ended when the necessity for their services shall cease. In the latter case it might be well to provide, when they are discharged, for a bounty to be paid them.

The mode of furnishing officers for such a force is one of some difficulty. Whether the commissioned officers should be selected by the men over whom they are to exercise command, or be appointed in some other way, I leave to the wisdom of your bodies. But I would recommend where companies, battalions, or regiments offer their services as such, to serve for the time specified in the regulations, that they be allowed to select their own commissioned officers.

In making this suggestion for a regular force I am not to be understood as expressing a want of confidence in the patriotism of our militia, and especially the volunteers. Their bravery and patriotism have been too well established to entertain a doubt that they would acquit themselves on all proper occasions in such manner as to add increased honor to their achievements in the field. Experience has proved that, however efficient such troops are for sudden occasions or for short campaigns, it will not do to rely upon them to sustain a long, protracted contest. The greatest difficulties experienced by General Washington in the Revolutionary war, and by General Jackson in his Creek campaigns, arose from the expiration of the term of service of the militia under their commands. Moreover, it is probable that the principal service demanded by the State from her troops will be in garrison, and he who has seen service of that character knows how tedious and irksome such a life is to the citizen soldier.

As to the various appropriations and mode of disbursing the sums raised on the bonds of the State, I leave that to your consideration. In connection with the above subjects I cannot too earnestly impress upon you the importance of the appointment of a military board. With my inexperience in military affairs, and the inefficient military organization of the State, such a body is imperatively demanded in the present exigency. I am too sensible of my deficiency in military matters to make any suggestion as to the power and duties of such a board, but you have in your bodies military men who understand and can define the necessary extent of their powers. I would, however, recommend that it consist of four persons, to be selected by the Legislature, or in such other manner as may be deemed best by you, with such rank and pay as would be commensurate with their duties.

The condition of many families of the poorer classes in the State demand consideration. That there will be much suffering and privation, and perhaps starvation, is greatly to be feared unless some provision against these contingencies is made by the Legislature. After an anxious consideration on this subject I would recommend that the court of county commissioners of each county be empowered to levy and collect a tax in their several counties for the purpose of raising funds to purchase food for their suffering population and to appoint an agent to make the purchases. If it is found this tax cannot be collected in time for the relief of the suffering, then to pledge the public property of the county, by mortgage or otherwise, for money to be borrowed for that purpose. But in no event is this public property to be disposed of under such mortgage or other pledge until ample time has been given for the collection of such tax; and when collected it shall be applied to the extinguishment of such debt of the county. The details of this measure I leave to your consideration.

I am compelled by the necessities of this department to suggest that the Governor have the authority to appoint two secretaries. The duties devolving upon the office at this time leave the Executive no leisure but to direct. The correspondence is voluminous and the

duty of attending to that office is arduous. They should be paid a salary by the State, quarterly, with power in the Executive at the end of any quarter to discharge them when their services should be no longer needed; or, when he thought necessary, to discharge such as he thought proper and to appoint others in their stead.

I am also compelled to call your attention to the increase of the contingent fund. Under ordinary circumstances the amount under the present law at the control of the Executive would be ample, but the present emergency requires that this sum of $12,000 be increased, and I recommend that $13,000 more be added, making this fund the sum of $25,000.

At your last session the General Assembly made an appropriation for the purchase of arms and ammunition, under the direction of this department. I have purchased about 9,000 stand of small-arms, 10 brass rifled cannon (6-pounders) and 2 columbiads, 20,000 pounds of lead, 700 kegs of powder of 28 pounds each, and 1,500,000 caps. The cannon have not yet arrived, but I am expecting them daily.

The convention on the —— instant authorized me to dispatch troops from this State to aid the State of Florida in taking possession of the forts at the mouth of Pensacola Harbor. Accordingly on the —— instant I ordered 300 men from Mobile by water, and dispatched five companies, under the command of Colonel Lomax, by railroad from this place, to proceed to Pensacola. After the troops left here I received information that on the night of the —— instant all the positions on the west side of Pensacola Bay were abandoned by the forces of the United States which had been concentrated at Fort Pickens, on Santa Rosa Island. The occupation of this fort enables them to command the entrance to the bay and harbor of Pensacola, and as the troops from Mobile were to approach by water, I directed them by telegraph to proceed no farther in the expedition. The troops from this place arrived at Pensacola on the night of the —— instant and are now encamped there. If it should be deemed practicable they will aid in storming Fort Pickens, and for that purpose they remain there. I also had intelligence that a considerable force of ships of war and troops of the United States had been ordered to rendezvous at Pensacola, and probably to make a demonstration on the forts at the mouth of Mobile Bay, or some other point in that vicinity. I therefore ordered five other companies to Mobile to aid in defending whatever point may be assailed.

Your attention is called to the necessity of making some provision for the payment of the expenses of these expeditions. In connection with the subject of placing the State in an efficient state to protect herself, I have a suggestion to make which I thought prudent to reserve for a separate and secret communication, and which I am ready to make when your bodies are ready to receive it. In closing this message I cannot but invoke the blessings of the Most High and Omniscient God upon all your deliberations, and that we may be saved from the horrors of war and enjoy the blessings of peace; that our liberties may be preserved, and that our beloved State may enjoy an uninterrupted career of prosperity and greatness.

A. B. MOORE.

[JANUARY 11, 1861.—For orders of Governor Moore, calling into active service the militia of Louisiana, see Series I, Vol. LIII, p. 612.]

EIGHTH DAY.*

Mr. Cochran, from the Committee on the Constitution, reported the following ordinance, which was adopted:

AN ORDINANCE to change the oath of office in this State.

Be it declared and ordained, and it is hereby declared and ordained, by the people of the State of Alabama in convention assembled, That the first section and sixth article of the constitution of the State of Alabama be amended by striking out of the fifth line of said section the words "Constitution of the United States and the" after the word "the" and before the word "Constitution" where they occur.

And be it further ordained as aforesaid, That all officers in this State are hereby absolved from the oath to support the Constitution of the United States heretofore taken by them.

MONTGOMERY, ALA., *January 15, 1861.*

His Excellency ANDREW B. MOORE,
Governor of Alabama:

SIR: Under the authority of the commission conferred by Your Excellency, and in discharge of the duties imposed by it, I reached Tallahassee on the 3d day of January, at which place and time the convention of the State of Florida assembled. That body, without having effected a permanent organization, after a very brief session, adjourned until Saturday, the 5th instant, the intervening Friday having been observed as a day of fasting and prayer. On Saturday His Excellency Governor Perry, to whom my credentials had been previously presented, communicated the fact of my presence as commissioner from Alabama to the convention. On Monday, the 7th instant, I was, together with the commissioner from South Carolina, Hon. L. W. Spratt, formally introduced to the convention by a committee appointed for the purpose, and had the honor to set forth in an address before that body the views entertained by the State of Alabama, as since indicated by the action of her convention, as to the best mode of protecting the rights, interests, and honor of the slave-holding States, urging the promptest action as, under the circumstances, the truest wisdom and as furnishing the best hope of a peaceful solution of our difficulties. The friendly voice of Alabama, however feebly uttered, was heard with the most respectful attention, and the opinions expressed seemed to meet the hearty countenance of a large proportion of the convention. On the evening of Monday a resolution affirming the right and necessity of speedy secession, which had been introduced on Saturday, was adopted by a vote of 62 to 5, and a committee was appointed to prepare the ordinance of secession, which was reported on Wednesday, the 9th instant. Several amendments, intended to delay any action until after the secession of Georgia and Alabama should be first accomplished or until the ordinance of secession should be ratified by a vote of the people of Florida, were proposed, but they were all lost by decisive votes. On Thursday, the 10th instant, several gentlemen of the minority, who had warmly supported these amendments and attached very great importance to them, avowed their purpose, notwithstanding their failure, to record their votes in favor of the ordinance of secession, thus nobly sacrificing their personal views upon the altar of their country, and at 12.20

* From the Journal of the Alabama Convention, January 15, 1861.

o'clock on that day I had the extreme gratification to witness its passage by a vote of 62 to 7, every member of the convention having been present. I have appended to this report a copy of the ordinance as adopted.

It is due to the minority to state that no voice in the convention was raised in favor of submission to Black Republican rule, and that their whole aim seemed to be to make the secession of Florida follow instead of preceding that of Alabama and Georgia. If there was a man in Florida who, with these two States out of the Union, desired her to remain in it, his opinions certainly found no organ in the convention. The main facts herein stated in respect to the action of the State of Florida were immediately communicated to Your Excellency by telegraph, in order that they might at once be made known to the convention. It only remains to add that the warmth and cordiality with which I was greeted by the Governor, the convention of Florida, and the people whom they represented, as the commissioner of Alabama, afforded the most gratifying proof that the strong ties of a common cause, a common danger, and a common destiny were deeply felt and appreciated, and the best reasons for hoping that the two States, divided by but a single day in their exodus from a union of "irrepressible conflict," will soon be closely joined in that new union of brotherly love in which a homogeneous people, taking their destiny into their own hands, shall exhibit to the world the noblest phase of free government and the highest development of true civilization.

With great respect, I have the honor to be, Your Excellency's obedient servant,

E. C. BULLOCK.

ORDINANCE OF SECESSION.

We, the people of the State of Florida, in convention assembled, do solemnly ordain, publish, and declare, That the State of Florida hereby withdraws herself from the confederacy of States existing under the name of the United States of America and from the existing Government of the said States; and that all political connection between her and the Government of said States ought to be, and the same is hereby, totally annulled, and said Union of States dissolved; and the State of Florida is hereby declared a sovereign and independent nation; and that all ordinances heretofore adopted, in so far as they create or recognize said Union, are rescinded; and all laws or parts of laws in force in this State, in so far as they recognize or assent to said Union, be, and they are hereby, repealed.

MILLEDGEVILLE, GA., *January 16, 1861.*

Hon. GEORGE W. CRAWFORD,

President of the Convention of the State of Georgia:

SIR: I have the honor herewith to transmit the certificate of my appointment as commissioner from the State of Alabama to the convention of the State of Georgia, and also a duly authenticated copy of the ordinance of secession* and accompanying resolutions adopted by the convention of Alabama on the 11th instant, together with a resolution of the convention concerning my instructions, in which I am particularly directed to request of the convention of the State of Georgia the consideration of and concurrence in the first resolution

*See p. 43.

adopted by the convention of the State of Alabama, inviting the people of Georgia and of the other slave-holding States to meet the people of Alabama, by their delegates, in convention on the 4th day of February, 1861, at the city of Montgomery, in the State of Alabama, for the purpose of consulting with each other as to the most effectual mode of securing concerted and harmonious action in whatever measures may be deemed most desirable for our common peace and security, it being the desired purpose of the people of Alabama to meet the slave-holding States who may approve such purpose in order to frame a provisional as well as a permanent government upon the principles of the Constitution of the United States.

I have the honor to be, with high consideration, your obedient servant,

JNO. GILL SHORTER.

[Inclosure No. 1.]

EXECUTIVE DEPARTMENT,
Montgomery, Ala., December 21, 1860.

Whereas, the election of Abraham Lincoln, a Black Republican, to the Presidency of the United States by a purely sectional vote and by a party whose leading and publicly avowed object is the destruction of the institution of slavery as it exists in the slave-holding States; and whereas, the success of said party and the power which it now has and soon will acquire greatly endanger the peace, interests, security, and honor of the slave-holding States, and make it necessary that prompt and effective measures should be adopted to avoid the evils which must result from a Republican administration of the Federal Government, and as the interests and destiny of the slave-holding States are the same, they must naturally sympathize with each other, they therefore, so far as may be practicable, should consult and advise together as to what is best to be done to protect their mutual interests and honor:

Now, therefore, in consideration of the premises, I, Andrew B. Moore, Governor of the State of Alabama, by virtue of the general powers in me vested, do hereby constitute and appoint Hon. John Gill Shorter, a citizen of said State, a commissioner to the sovereign State of Georgia, to consult and advise with His Excellency Governor Joseph E. Brown and the members of the convention to be assembled in said State, as to what is best to be done to protect the rights, interests, and honor of the slave-holding States, and to report the result of such consultation in time to enable me to communicate the same to the convention of the State of Alabama to be held on Monday, the 7th day of January next, if practicable.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed in the city of Montgomery this 21st day of December, A. D. 1860.

A. B. MOORE.

[Inclosure No. 2.]

MONTGOMERY, ALA., *January 14, 1861.*

Hon. JOHN GILL SHORTER:

DEAR SIR: The following resolution was passed by the convention in session to-day:

Resolved by the people of Alabama in convention assembled, That the commissioners heretofore appointed by the Governor of this State to the several States

be, and they are hereby, directed to present to the conventions of said States the preamble, ordinance, and resolutions adopted by the people of the State of Alabama, in convention, on the 11th day of January, 1861, and to request their consideration of and concurrence in the first resolution.

With the above resolution is herewith transmitted to you, by order of the convention, a certified copy of the preamble, ordinance, and resolution referred to.

Respectfully,

WILLIAM M. BROOKS,
President of the Convention.

MONTGOMERY, *January 16, 1861.*

His Excellency A. B. MOORE:

SIR: By authority of Your Excellency's commission I proceeded to Nashville, Tenn., where, on the 9th instant, I addressed, by invitation, both branches of the Legislature of that State. I beg to report as the result of my mission that there is, in my opinion, no doubt that Tennessee will unite with the Gulf States in forming a Southern confederacy. The right or wrong of secession is not the question submitted for their determination. That may very well be pretermitted in that State. The Union is dissolved without their action, and the practical question for them to decide is, Shall they go with the North or with the South? And in deciding this question the result is obvious. There is a geographical necessity that Tennessee shall unite with the South. Her trade, like the waters of her beautiful rivers, flows southward, and being homogeneous in opinion, in character, and in civilization, her natural sympathies are stimulated by her commercial necessities and make her drift quietly and surely into the union of the Southern States. I consider this result as absolutely certain. I cannot close this communication without acknowledging in behalf of my State the marked and cordial courtesy with which I was received by all parties in Tennessee.

With sentiments of high consideration and regard, I am, very truly, your friend,

L. P. WALKER.

MILLEDGEVILLE, GA., *January 16, 1861.*

Hon. GEORGE W. CRAWFORD,
President of the Georgia State Convention:

SIR: I have the honor to inclose you herewith my credentials as commissioner from the convention of the people of the State of South Carolina to the convention of the people of the State of Georgia. In execution of the trust confided to me I also inclose you a copy of the ordinance of secession passed by the convention on the 20th of December, 1860.* I am instructed by the convention of South Carolina to submit to the convention of Georgia "as the basis of a provisional government for such States as shall have withdrawn from their connection with the Government of the United States of America, the Federal Constitution, provided that the said provisional government and the tenures of all officers and appointments arising under it shall cease and determine in two years from the 1st day of July next, or when a permanent government shall have been organized." I am

*See p. 1.

likewise instructed to "invite the seceding States to meet in convention at such time and place as may be agreed upon for the purpose of forming and putting in motion such provisional government, so that it shall be organized and go into effect at the earliest period previous to the 4th of March, 1861; and that the same convention shall then proceed forthwith to consider and propose a constitution and plan for a permanent government for such States, which proposed plan shall be referred back to the several State conventions for their adoption or rejection." The convention further suggests that each of the seceding States "send to the general convention as many deputies as are equal in number to the number of Senators and Representatives to which it was entitled in the Congress of the United States." The convention of South Carolina have elected eight deputies to represent them in the general convention, but declined to indicate either time or place for its meeting. The State of Alabama having proposed the 4th of February as the time and the city of Montgomery as the place for the assembling of the general convention, I feel myself fully authorized to say that the time and place will be entirely acceptable to the convention of South Carolina. You will please lay before the convention this communication and its inclosures.

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES L. ORR,
Commissioner from South Carolina.

[Inclosure.]

THE STATE OF SOUTH CAROLINA.

Whereas, James L. Orr has been duly elected by a vote of the convention of the people of South Carolina to act as a commissioner to the convention of the people of the State of Georgia, and the said convention of the people of the State of South Carolina has ordered the Governor of said State to commission the said James L. Orr:

Now, therefore, I do hereby commission you, the said James L. Orr, to act as a commissioner from the State of South Carolina in convention assembled to the State of Georgia in convention assembled to confer upon the subjects intrusted to your charge.

Witness His Excellency Francis W. Pickens, Governor and commander-in-chief of the said State, this 2d day of January, in the year of our Lord 1861, and the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

F. W. PICKENS.

By the Governor:

JAMES A. DUFFUS,
Deputy Secretary of State.

FRIDAY, *January 18, 1861.**

* * * * * * *

Mr. Nisbet offered the following resolutions, which were taken up and read:

Resolved, That, in the opinion of this convention, it is the right and duty of Georgia to secede from the present Union and to co-operate with such of the other States as have or shall do the same, for the purpose of forming a Southern confederacy upon the basis of the Constitution of the United States.

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* From Journal of the Georgia Convention.

Resolved, That a committee of ——— be appointed by the chair to report an ordinance to assert the right and fulfill the obligation of the State of Georgia to secede from the Union.

He then moved to take up the first resolution, whereupon Mr. Johnson, of Jefferson, offered the following preamble and ordinance as a substitute for Mr. Nisbet's, and moved the reference of both to a committee of twenty-one:

The State of Georgia is attached to the Union, and desires to preserve it, if it can be done consistent with her rights and safety, but existing circumstances admonish her of danger; that danger arises from the assaults that are made upon the institution of domestic slavery and is common to all the Southern States.

From time to time within the last forty years Congress has attempted to pass laws in violation of our rights and dangerous to our welfare and safety, but they have been restrained by the united opposition of the South and the true men of the North, and thus far the country has prospered and the South has felt comparatively secure. Recently, however, events have assumed a more threatening aspect. Several of the non-slave-holding States refuse to surrender fugitive slaves, and have passed laws the most oppressive to hinder, obstruct, and prevent it, in palpable violation of their constitutional obligations. The Executive Department of the Government is about to pass into the hands of a sectional political party pledged to principles and a policy which we regard as repugnant to the Constitution. These considerations of themselves beget a feeling of insecurity which could not fail to alarm a people jealous of their rights. By the regular course of events the South is in a minority in the Federal Congress, and the future presents no hope of a restoration of the equilibrium between the sections in either house thereof. Hence, the Southern States are in imminent peril, being in the power of a majority reckless of constitutional obligations and pledged to principles leading to our destruction. This peril is greatly augmented by the recent secession of South Carolina, Florida, Alabama, and Mississippi from the Union, by which the Southern States are deprived of the benefit of their co-operation and left in a still more hopeless minority in the Federal Congress. Therefore, while the State of Georgia will not and cannot, compatibly with her safety, abide permanently in the Union without new and ample security for future safety, still she is not disposed to sever her connection with it precipitately nor without respectful consultation with her Southern confederates. She invokes the aid of their counsel and co-operation to secure our rights in the Union if possible, or to protect them out of the Union if necessary. Therefore:

First. *Be it ordained by the State of Georgia in sovereign convention assembled*, That Delaware, Maryland, Virginia, Kentucky, North Carolina, Louisiana, Texas, Arkansas, Tennessee, and Missouri be, and they are hereby, respectfully invited to meet with this State, by delegates, in a congress at Atlanta, Ga., on the 16th day of February, 1861, to take into consideration the whole subject of their relations to the Federal Government, and to devise such a course of action as their interest, equality, and safety may require.

SEC. 2. *Be it further ordained, &c.*, That the independent republics of South Carolina, Florida, Alabama, and Mississippi be, and they are hereby, cordially invited to send commissioners to said congress.

SEC. 3. *Be it further ordained, &c.*, That inasmuch as Georgia is resolved not to abide permanently in this Union without satisfactory guaranties of future security, the following propositions are respectfully suggested for the consideration of her Southern confederates as the substance of what she regards indispensable amendments to the Constitution of the United States, to wit:

1. That Congress shall have no power to abolish or prohibit slavery in the Territories or any place under their exclusive jurisdiction.

2. Each State shall be bound to surrender fugitive slaves, and if any fugitive slave shall be forcibly taken or enticed from the possession of any officer legally charged therewith for the purpose of rendition, the United States shall pay the owner the value of such slave, and the county in which such rescue or enticement may occur shall be liable to the United States for the amount so paid, to be recovered by suit in the Federal courts.

3. It shall be a penal offense, definable by Congress and punishable in the Federal courts, for any person to rescue or entice, or to encourage, aid, or assist others to rescue or entice, any fugitive slave from any officer legally charged with the custody thereof for the purpose of rendition.

4. Whatever is recognized as property by the Constitution of the United States shall be held to be property in the Territories of the United States and in all places

over which Congress has exclusive jurisdiction, and all kinds of property shall be entitled to like and equal protection therein by the several departments of the General Government.

5. New States formed out of territory now belonging to the United States, or which may be hereafter acquired, shall be admitted into the Union with or without slavery, as the people thereof may determine at the time of admission.

6. Congress shall have no power to prohibit or interfere with the slave-trade between the States, nor to prohibit citizens of the United States passing through or temporarily sojourning in the District of Columbia from having with them their slaves and carrying them away, but it shall be the duty of Congress to provide by law for the punishment of all persons who may interfere with this right in the same way as is provided for in the foregoing third proposition.

7. No State shall pass any law to prohibit the citizens of any other State traveling or temporarily sojourning therein from carrying their slaves and returning with them; and it shall be a penal offense, definable by Congress and punishable by the Federal courts, for any person to entice away or harbor, or attempt to entice away or harbor, the slave or slaves of such citizen so traveling or temporarily sojourning.

8. The obligation to surrender fugitives from justice as provided for under the Constitution of the United States extends and shall be held to extend as well to fugitives charged with offenses connected with or committed against slavery or slave property as to any other class of offenses, and for the purposes of this proposition whatever is defined to be a criminal offense in one State shall be deemed and held a criminal offense in every other State.

9. The Supreme Court having decided that negroes are not citizens of the United States, no person of African descent shall be permitted to vote for Federal officers nor to hold any office or appointment under the Government of the United States.

SEC. 4. *Be it further ordained, &c.*, That refraining from any formal demand upon those slave-holding States which have passed them of the repeal of the personal liberty and other acts in any wise militating against the rendition of fugitive slaves, or fugitives from justice, yet the State of Georgia hereby announces her unalterable determination not to remain permanently in confederation with those States unless they shall purge their statute books of all such acts.

SEC. 5. *Be it further ordained, &c.*, That if between now and the time of final action upon the question of her continuance in the Union the General Government should attempt to coerce any one of the States that have recently withdrawn, or shall hereafter withdraw therefrom, the State of Georgia will make common cause with such States, and hereby pledges all her resources for their protection and defense.

SEC. 6. *Be it further ordained, &c.*, That the State of Georgia will continue to hold until her final decision in the premises the possession of Fort Pulaski and all other Federal property within her borders which have been seized under the direction and authority of His Excellency the Governor of this State.

SEC. 7. *Be it further ordained, &c.*, That a commissioner be appointed by this convention to each of the slave-holding States now members of the Federal Union, to inform them of the action of Georgia and to urge their conformity to the policy herein indicated; and that in response to the request of Alabama this convention will also appoint a commissioner to the convention which she has invited at Montgomery on the 4th of February next, who is hereby instructed to urge upon that convention so to shape their action as to conform to and co-operate with that of the proposed congress at Atlanta on the 16th day of the same month.

SEC. 8. *Be it further ordained, &c.*, That if all effort fail to secure the rights of the State of Georgia in the Union and she is reluctantly compelled to resume her separate independence she will promptly and cordially unite with the other Southern States similarly situated in the formation of a Southern confederacy upon the basis of the present Constitution of the United States.

SEC. 9. *Be it further ordained, &c.*, That this convention will adjourn, to meet again on the 25th day of February next, to take such action in the premises as may be required by the proceedings of the congress at Atlanta and the development of intervening events, keeping steadfastly in view the rights, equality, and safety of Georgia and her unalterable determination to maintain them at all hazards and to the last extremity.

After an elaborate discussion, in which Messrs. Nisbet, Johnson of Jefferson, Cobb, Stephens of Taliaferro, Toombs, Means, Reese, Hill of Troup, and Bartow participated, a call was made for the previous question, which, being sustained under the ruling of the chair, cut off the motion to commit and a vote on the substitute, and brought the

convention to a direct vote on the first of the original resolutions of Mr. Nisbet. Whereupon the yeas and nays were demanded, which, being called, resulted as follows (the president voting in the affirmative): Yeas 166, nays 130.

* * * * * * *

So the resolution was adopted.

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The following message, having been received from His Excellency the Governor, through Mr. Waters, his secretary, was taken up and read:

EXECUTIVE DEPARTMENT,
Milledgeville, January 18, 1861.

TO THE CONVENTION:

* * * * * * *

Though not strictly in response to the call made upon me, I take the liberty to lay before the convention an original letter from the Governor of the State of New York, accompanied by certain joint resolutions passed by the Legislature of that State on the 11th day of this month, which were received at this department by the mail of yesterday.

JOSEPH E. BROWN.

The following is a copy of the communication referred to by His Excellency Governor Brown, and also of the resolutions:

STATE OF NEW YORK, EXECUTIVE DEPARTMENT,
Albany, January 11, 1861.

His Excellency JOSEPH E. BROWN,
Governor of the State of Georgia, Milledgeville:

SIR: In obedience to the request of the Legislature of this State, I transmit herewith a copy of the concurrent resolutions of that body, adopted this day, tendering the aid of the State to the President of the United States, to enable him to enforce the laws and to uphold the authority of the Federal Government.

I have the honor to be, Your Excellency's obedient servant,

EDWIN D. MORGAN.

[Inclosure.]

Concurrent resolutions tendering aid to the President of the United States in support of the Constitution and the Union.

STATE OF NEW YORK, IN ASSEMBLY,
January 11, 1861.

Whereas, treason, as defined by the Constitution of the United States, exists in one or more of the States of this confederacy; and whereas, the insurgent State of South Carolina, after seizing the post-office, custom-house, moneys, and fortifications of the Federal Government, has, by firing into a vessel ordered by the Government to convey troops and provisions to Fort Sumter, virtually declared war; and whereas, the forts and property of the United States Government in Georgia, Alabama, and Louisiana have been unlawfully seized, with hostile intentions; and whereas, further, Senators in Congress avow and maintain their treasonable acts: Therefore,

Resolved (*if the Senate concur*), That the Legislature of New York, profoundly impressed with the value of the Union and determined to preserve it unimpaired, hail with joy the recent firm, dignified, and patriotic special message of the President of the United States, and that we tender to him, through the Chief Magistrate of our own State, whatever aid in men and money he may require to enable him to enforce the laws and uphold the authority of the Federal Government; and that in defense of the "more perfect Union," which has conferred prosperity and happiness upon the American people, renewing the pledge given and redeemed by our fathers, we are ready to devote "our fortunes, our lives, and our sacred honor" in upholding the Union and the Constitution.

Resolved (*if the Senate concur*), That the Union-loving representatives and citizens of Delaware, Maryland, Virginia, North Carolina, Kentucky, Missouri, and Tennessee, who labor with devoted courage and patriotism to withhold their States from the vortex of secession, are entitled to the gratitude and admiration of the whole people.

Resolved (*if the Senate concur*), That the Governor be respectfully requested to forward forthwith copies of the foregoing resolutions to the President of the Nation and the Governors of all the States of the Union.

The preceding preamble and resolutions were duly passed.

By order:

H. A. RISLEY,
Clerk.

IN SENATE, *January 11, 1861.*

The preceding preamble and resolutions were duly passed.

By order:

JAMES TERWILLIGER,
Clerk.

Mr. Toombs offered the following resolution, which was taken up, read, and adopted:

Resolved, unanimously, in response to the resolutions of New York, referred to in the Governor's message, that this convention highly approves the energetic and patriotic conduct of Governor Brown in taking possession of Fort Pulaski by Georgia troops, and requests him to hold possession until the relations of Georgia with the Federal Government be determined by this convention; and that a copy of this resolution be transmitted to the Governor of New York.

* * * * * * *

GENERAL HEADQUARTERS, STATE OF MISSISSIPPI,
ADJUTANT-GENERAL'S OFFICE,
Jackson, January 18, 1861.

His Excellency JOHN J. PETTUS,
Governor and Commander-in-Chief Mississippi Militia:

SIR: Pursuant to an act of the Legislature prescribing the duties of the adjutant-general, I have the honor to submit the following report for the year ending December, 1860, and from January 1, 1861, to January 17, inclusive:

The past year was as remarkable for the military organizations effected in the State as for the great political changes which took place throughout the country. The precarious conditions of political affairs in this country, occasioned by Northern aggression upon the institutions of the South, aroused the people of the Southern States to a sense of their imperfect security, and their Legislatures by wise counsel made ample provision for the purchase of arms and munitions of war for the defense of the States. The Mississippi Legislature, being duly impressed with a sense of her insecurity and aroused by the action of John Brown and his confederates at Harper's Ferry in their attempt to stain and drench the soil of Virginia in innocent blood, made an appropriation in December, 1859, of $150,000 for the purchase of arms in order to prepare her to resist effectually such a fanatical raid, should an attempt be made to perpetrate such an act within her borders. So soon as the passage of the act appropriating the sum of $150,000 for arms was known throughout the State military organizations commenced springing up from her northern borders to the sea-coast. These organizations of volunteer companies progressed steadily, though slowly, during the spring and summer months, organizing at the rate of some two companies per month, the military ardor aroused by the John Brown raid abating to some extent. Within the past two months the political excitement awakened by the election of a Black Republican to the Presidency, being unprecedented and without parallel in the history of this country, these

expiring military fires are being rekindled, and companies are organized and have been organizing at the rate of from seven to eight per week, numbering from fifty to sixty men, ready to march to the field of battle to defend the soil of their birth or adoption from the ignominious taunts of the Black Republican horde, and anxious to place her among the nations of the earth as a free, independent, and sovereign people, discarding and disregarding the union of the States upon the present inequality of rights. While appreciating their love for independence and State pride, I regret that the existing military law does not empower the Governor to call them into service except within the limits of the State. The law is adapted to home service, or more particularly to parade, and inapplicable to actual service on the field. A few suggestions and recommendations on this point will be detailed in a subsequent paragraph of this report, to which special attention is requested. The military fires enkindled within the chivalric sons of Mississippi within the past year are unprecedented in her military annals. The number of companies organized up to the 16th of January, 1861, dating from January 1, 1860, amounts to sixty-five. Of this number fifty-five organized as rifles, but some three or more have been furnished the altered percussion musket, and others will be compelled to resort to the same arm. Of this number only one company organized as infantry and one as light infantry (Monroe Light Infantry and Enterprise Guards as infantry with rifled muskets). The number of cavalry companies formed amounts to eight; the number of artillery, three. As to the exact number of men composing these companies it is impossible to state definitely, for the reason that the law upon which these organizations were effected has been waived for the past few months owing to the exigencies of the times; and again, in petitioning for organization the companies frequently carry out the law to the extent only to entitle them to organization, that is, getting only thirty-two signatures to the petition, when the company numbers probably fifty men or more. I therefore state the number of regular, uniformed volunteers will be based upon the arm distribution (and by approximation for companies not holding arms), which is the surest method of arriving at an estimate of the number of men. The impossibility of procuring the Mississippi rifle with saber bayonet has produced much dissatisfaction among the companies, and while it has caused the disbandment of some, prevented the organization of others, and has therefore been prejudicial in two distinct ways. Relative to the Mississippi rifle, it is but justice to state that every effort has been made to procure them within the power of this department. This arm being renowned for the brilliant victories achieved upon the battle-fields of Mexico in the hands of the First Regiment of Mississippi Riflemen, has derived the appellation of Mississippi rifle, and is the principal arm called for by the volunteer corps. In consequence of the numerous applications for this rifle the adjutant-general, in compliance with verbal instructions, proceeded North in May last for the purpose of making contracts for this rifle to supply the demand existing up to the time of departure. This was effected after much difficulty in finding a suitable armory for its manufacture. On the 6th of June a contract was closed with Eli Whitney, of Connecticut, for 1,500 of these rifles with bayonets, 1,000 of which were to be delivered by the 1st of December, 1860. At the time of the first delivery of arms, October 15, said Whitney raised a point relative to the inspection, fearing an inspection by an officer of the Army, and refused to have them examined, and therefore shipped but sixty of

said arms as samples, he said, of what he could furnish. The arms were received and examined and proved to be old guns fixed up. Such an act being a violation of the letter and spirit of the contract, none of the arms were taken as a part of the contract, though the sixty were taken as an experiment. The affair is now being adjusted between a U. S. Senator and said Whitney, but owing to the bad faith of Whitney the arms will probably never be received and the companies will have to resort to whatever can be furnished. The number of commissions issued to officers of volunteer companies approximates 255; of this number 65 were issued to captains and 190 to lieutenants. Several companies were organized and commissions were issued early in the spring, but owing to causes but partially reported they disbanded within a few months after their organization—among them Sharon Rifles, of Madison County; University Rifle Company, La Fayette; Chickasaw Dragoons, Chickasaw; Home Guards, Lowndes, and a few others. The commissions to the officers are not included in the aggregate of commissions. The number of men regularly organized into uniformed companies of volunteers amounts to 2,027 armed. Of the 38 companies unarmed, allowing 50 men for an average of each, we have 1,900 unarmed volunteers, which number added to the number of armed men gives an aggregate of 3,927 men belonging to the volunteer companies, which approximation will vary but little from the correct number. This force armed and properly officered would on the field be formidable to an advancing foe. The number of arms in the hands of the troops amounts to 2,127 stand; of rifles, 1,256; of percussion muskets, 391; of flint, about 60; of pistols, 462; of sabers, 360, and will be classified in the schedule marked A* in the appendix.

The State quota of arms from the United States Government for the year 1860, amounting to 315 muskets or their equivalent in other arms, was drawn in field artillery, amounting in all to six 6-pounder bronze guns and two 12-pounder howitzers, all of which were dismounted save one 6-pounder with carriage, limber, and implements and equipments complete, and one set of harness for four horses. These guns have all been mounted at the State penitentiary and are ready for the field, with the exception of harness, caissons, battery wagons, and forge. Special attention is called to the caissons, battery wagons, and forge. There is not a caisson, battery wagon, or forge in the State (at least no record of such in the office), and a field battery is incomplete and but partially effectual without them. The harness is being made, and the caissons, &c., can be made at about the same expense as a gun carriage. Fortunately for the State the quota for 1861, amounting to 319 muskets, was advanced by the Secretary of War in May, 1860, and was taken in U. S. long-range rifles with Maynard primer and saber bayonets, and amounted to 212. In consequence of the inability to make various irons necessary in the construction of the 6-pounder gun carriages, the Secretary of War advanced the requisite irons on account of the quota for 1861, which irons amounted to 34 muskets or $442, thereby reducing the number of rifles.

The Legislature at the session of 1859 and 1860 passed an act entitled "An act further to regulate the militia and volunteer systems." One section of said act established a volunteer military board, to be composed of the captains of volunteer companies of all arms throughout the State. In compliance with the provisions of said act the Board

* Omitted.

assembled in Jackson in May and proceeded to effect an organization of the volunteer forces. By the action of said Board the State comprises one division, which is subdivided into two brigades, each brigade subdivided into two regiments, and each regiment into two battalions. This is the existing volunteer military organization of the State, and will suffice unless there are numerous accessions to the volunteer corps, when an additional number of general officers will be required. By the existing law the officers commanding the division, brigades, &c., who are elected by said Board while exercising the command of general and field officers, are only commissioned as captains. Such is unprecedented in military history, and I therefore suggest, in order to obviate a constitutional point which was raised on the passage of the bill, that said Board act as a convention and be allowed only to make the nominations for these offices, and that the members of the division, brigades, regiments, &c. (the qualified electors), be required to elect the several officers, and that the nominations be not confined to the captains of companies as at present, but extend through the whole of the different corps, thereby allowing privates who possess military qualifications an equal chance with officers. I further suggest that the elections for these offices be ordered from general headquarters and to take place annually or biennially, or otherwise, upon the same day throughout each command. By this method the constitutional point will be obviated, and a general or field officer can be commissioned according to the rank he holds. The Board provides that the staff of the commandant of division shall consist of twelve, and the staff of the commandant of brigade shall consist of twice the number prescribed by the Army Regulations, without specifying the rank of either member of each staff. I suggest that each staff be reduced, and that the rank of each officer be specified. No reports of the practical operations of the division, brigades, &c., have been received at this department. I recommend that at the next meeting of the Board a committee be appointed to draft a system of regulations for the volunteer organization. The law requiring the captains of volunteer companies to make annual reports to the adjutant-general of the condition of their arms has been but partially complied with. The reports that have been received will be found in the appendix.

The number of men subject to military duty as far as reported amounts to 39,263, and are distributed in the different counties as follows, viz:

County.	Men.	County.	Men.	County.	Men.
Greene	216	Jackson	541	Winston	544
Covington	438	Noxubee	762	Amite	690
Adams	753	Pontotoc	2,089	Wilkinson	592
Neshoba	714	Tishomingo	3,480	Panola	1,063
Oktibbeha	760	Tippah	2,400	Yalobusha	1,241
Tunica	187	De Soto	1,962	Newton	455
Monroe	1,155	Warren	940	Hancock	443
Marshall	1,516	Coahoma	296	Simpson	369
Rankin	1,032	Bolivar	326	Clarke	954
Kemper	664	Madison	863	Pike	1,201
Issaquena	151	Hinds	1,223	Franklin	576
Lawrence	736	Yazoo	1,156	Attala	1,179
Copiah	1,393	Jasper	680	Smith	632
Wayne	278	Itawamba	2,082	Claiborne	568
Jones	394	Holmes	480		

From the following counties no military rolls have been returned, viz: Calhoun, Carroll, Chickasaw, Choctaw, Harrison, Jefferson,

La Fayette, Lauderdale, Leake, Lowndes, Marion, Perry, Scott, Sunflower, Tallahatchie, Washington.

Relative to the militia, will state that the law requiring parades is in existence, but no orders have been issued by the commander-in-chief instructing general and field officers to enforce the law. The law requiring these parades was revived some eleven months ago, and not one report has been received from any company, regimental, or battalion parade. The law as it exists is impracticable, and requires to be remodeled before it can be effectual. The little interest taken in the militia is conclusive evidence that a regular organized militia is contrary to the spirit of the people, and an organization can never be effected when the people agree by common consent to disregard the law; and laws being of no purpose when they are unobserved, I recommend the repeal of the law. Proof sufficiently conclusive to show that but little interest is taken in the militia has been furnished this office by the recent returns of election, as some counties which have 800 or 900 men subject to military duty polled at the election for field officers only from two to fifteen votes. Further proof is that during last spring an election was ordered by the colonel of the Ninth Regiment of the First Division for an election of company officers, which he reports to this office as follows: "The qualified electors were present, the polls opened, and the men refused to vote." He desired to know what was to be done. The only reply was that the framers of the bill anticipated no such gross disrespect to military authority and made no provisions relative thereto. Legislative action is recommended on this point. To show the impracticability of the law it is necessary to state that a regiment is composed of ten companies, or 1,000 men. By the law each county constitutes a regiment. In numerous counties the number of men subject to duty does not exceed 500, and in some the number exceeds 2,500. Still further, the companies are limited to sixty-four men, and by the law not more than eight companies in a regiment; therefore it is impossible to effect an organization under this law. I recommend its repeal and suggest that a per capita tax be collected in lieu of this militia duty and be deposited in the State treasury for general military purposes.

On the first Monday in October last the regular biennial election for militia officers was holden, and from the returns not more than two-thirds of the requisite officers were elected. The number of commissions issued amounts to 299; of general officers, 12; of field, 104; of staff, 28; of line, 155. The issuing and distribution of commissions to the officers entails expense upon the State and infinite unnecessary labor in this office, and produces no good whatever. Should it be deemed unadvisable to repeal this law I recommend a convention of the general officers and their staffs for the purpose of adopting a system of regulations and a uniform, &c. The amount of the expenditures of the department for arms and military purposes is about $26,900.42. The apportionment of the expenditures will be found in the appendix. The receipts have been small. A sale of old and worthless muskets was effected with a house in New York. The amount received was $292, which has been deposited to the credit of the department. The volunteer companies are recommended in their elections of officers to select always men of military qualifications, as it is impossible for an officer to impart to his subalterns knowledge which he does not possess. The creation of the office of inspector-general of volunteers, and the consolidation of the duties of said office

and those of quartermaster-general also with the duties of adjutant-general, render the total duties too onerous for a single officer to perform, were he able to perform them, which is impossible from their variety. The duties of quartermaster, at this time being sufficient for one officer to perform, render it impossible for the duties of adjutant-general to be discharged properly, which are equally as important; and the duty of inspector-general of volunteers while this duty is being performed renders it impossible to transact the business of either of the other offices. I therefore recommend that a clerk be allowed this office and that the duties of quartermaster devolve upon the proper officer for such compensation as the Legislature may see fit to allow.

The law requiring the adjutant-general to inspect the various volunteer companies throughout the State once in two years has been but partially complied with, owing to protracted illness occasioned in the prosecution of these duties. Only four companies were inspected, to wit, Port Gibson Riflemen, Adams Light Guard Battalion (Natchez), Volunteer Southrons, and Vicksburg Sharpshooters (Warren). Orders were issued for the inspection of the Quitman Guards, at Holmesville, Pike County; Gainesville Volunteers, Hancock County; Biloxi Rifle Guards, in Harrison County; Quitman Light Infantry, in Noxubee County; Noxubee Riflemen, at Macon, and Columbus Riflemen, Columbus; and other orders would have been issued but for the cause above mentioned.

In regard to the companies inspected, will remark that each manifested much zeal and military proficiency, the captains being officers of military bearing, &c. I would recommend to the captains of volunteer companies a regular system of instruction. For infantry, commencing with the school of the soldier and continuing through the school of the company to the school of the battalion; for cavalry, the school of the trooper, &c.; for the artillery, light artillery tactics. Owing to the probability of a war between the two sections of the country, I would recommend to the companies who expect to engage in it a thorough system of drilling and practice in the advance in line of battle, "for the history of the application of modern tactics in battle gives the lesson that courage is dependent upon instruction." The existing military law, with some alterations, while it would meet the exigencies of the volunteer corps in time of peace, is wholly unadapted to the field in time of war, for while it allows the captain commanding the division to order parades, encampments, &c., it does not authorize the commander-in-chief to call them into service except in the State, and there being no probability of any necessity for their services in the State they cannot be called to assist another State. Such being the case, I suggest the propriety of making no further distribution of arms until some other arrangements better adapted can be made, and will recommend that in the event a Southern confederacy is formed and active hostilities are commenced between the South and the North, that the military organizations that are formed for the service be organized irrespective of the existing law, and with strict conformity to military law, the company composed of 100 men being the basis of organization.

The Legislature of 1858 passed an act appropriating the sum of $125 to volunteer companies of infantry and $150 to cavalry after the performance of certain duties. Under this appropriation has been drawn the following amounts, viz:

Quitman Light Infantry	$125
Quitman Guards	125

Covington Guards	$125
Col. B. Adams Light Guard	125
	500

This act has been repealed and another substituted in lieu thereof, appropriating the sum of $9 to each member of a volunteer company that performs within twelve months nine days' military duty. Under this act of appropriation the following sums have been drawn, to wit:

Biloxi Rifle Guards	$370
Quitman Guards	234
Home Guards	324
Gainesville Volunteers	342
O'Connor Rifles	567
Irrepressibles	567
	2,404

I would recommend that a sufficient sum to supply the officers of volunteer companies with tactics be appropriated, and would suggest the purchase for this purpose of Gilham's Manual for Volunteers and Militia, a work recently published by authority of the State of Virginia, comprising the tactics for each arm of the service as compiled by officers of the infantry, artillery, and cavalry of the regular service.

The duties of quartermaster-general devolving upon this department, a passing notice relative to the business of the department is necessary. In the month of March last the old arms and accouterments (a pile of rubbish) in the arsenal were overhauled and examined, cleaned, and stored away for an emergency, but it is hoped that an emergency that would bring them into requisition may never arise. Should, however, such take place, then we might truly exclaim, with the Latin poet, that "Man is never conscious of the danger he has every moment to avoid." A list of these arms and accouterments is on file in this office, but is unnecessary to be made in this report. The following is a list of the arms, &c., examined at the general overhauling that are in tolerable order and fit for use, viz:

Bayonet scabbards, 229, 75 of which were issued to the Enterprise Guards; cartridge-boxes, pistol and musket, 315; rifle pouch and flask belts, 214; waist belts, 56; saber belts, 106; saber knots, 107; gun slings, 119; dragoon shoulder belts, 276; holsters, 60; rifle pouches, 116; powder flasks, 88; flint-lock muskets, browned barrel, 160; flint-lock muskets, bright barrel, 72; sabers, 106. Most of the cartridge-boxes, sabers, belts, holsters, pouches, flasks, &c., have been distributed. The arsenal is in bad condition, the floor being worthless from dry rot, and the building totally insecure.

On the 6th of June closed a contract with the Ames Manufacturing Company, of Massachusetts, for 1,700 sets of accouterments, 500 of which have been received. On the 15th of December, in compliance with verbal instructions, proceeded to the Baton Rouge Arsenal to examine a lot of altered U. S. percussion muskets with a view to the purchase of 5,000 stand. The arms were examined and proved satisfactory, and on the 31st of December the final arrangements were closed in New Orleans between the United States Government and the State of Mississippi. These arms have all been received and are now stored, awaiting orders relative to their distribution.

The Secretary of War in November last addressed a communication to His Excellency relative to the distribution of a lot of books (Revised Instructions for Field Artillery), which were stored by the

U. S. quartermaster at Philadelphia awaiting orders. The quota, amounting to forty-three volumes, was ordered to be forwarded to this department, and has been received. There are about 150 stand of percussion rifles in the State that are not included in the abstract of arms, &c., belonging to the State. These arms have been ordered to be returned to this department, but none have been received. They were drawn by the Lauderdale Rifles, Attala Guards, and Monroe Riflemen, each of which has disbanded.

In concluding these remarks, will again call the attention of the volunteer companies to the necessity of a regular system of instruction and to the importance of frequent instruction on the field.

All of these suggestions, recommendations, &c., are respectfully submitted.

W. L. SYKES,
Adjutant-General.

Attention is called to the subjoined reports of the inspection of volunteer companies by the adjutant-general.*

NOTE.—In making up the aggregate of arms, &c., belonging to the State, no mention was made of 175 cadet muskets and accouterments. These muskets were drawn from the United States Government some years ago and turned over to Mr. Ashbel Green, president of the Mississippi Military Institute, located at Pass Christian. Of these muskets seventy-five are in use at the institute; the others have been ordered to be forwarded to this department, and should they be received will be turned over to the Brandon State Military Institute.

Address to the people of Alabama.†

The undersigned, delegates to the convention of the people of the State of Alabama, feel it their duty to themselves, to their constituents, and to the people of the State at large to make public the reasons that actuate them in withholding their signatures from the ordinance of secession by which the people of Alabama resumed, on the 11th day of January, 1861, the powers previously delegated to and exercised by the Federal Government. This duty is the more imperative, as designing persons have misrepresented, and will continue to misconstrue, their refusal to participate in a mere form of attestation into opposition and hostility to a solemn act of the State. This act is binding on all citizens alike, and none are more ready than the undersigned to yield a cheerful obedience to the will of their State, to which they owe their first and paramount allegiance, and none will be more faithful in upholding and sustaining at any price and at any sacrifice her interest and her honor in the attitude she has assumed by this act. If, therefore, the enemies of the State derive comfort from the refusal of the undersigned to sign the ordinance, the fault will lie with those who misrepresent their motives or impugn their patriotism and loyalty to their State. The ordinance derives no additional validity from the signatures of the individual delegates composing the convention. The affixing the signatures is a mere form of attestation, and might be, and most likely would be, regarded as a voluntary abandonment and retraction of those principles and views of

* Reports omitted. The companies inspected were the Port Gibson Riflemen; the Adams Light Guard Battalion, at Natchez; the Vicksburg Sharpshooters and the Volunteer Southrons, at Vicksburg.

† From Journal of the Alabama Convention, January 19, 1861.

public policy advocated by the undersigned before the people, and which caused them to oppose the passage of the ordinance of secession in its present form. While the undersigned cannot consent to have even the appearance of modifying or relinquishing these views and principles, they do sincerely disclaim all intention to perpetuate the bitterness and animosities of former party divisions, or to encourage new divisions between those who favored and those who opposed separate State action, and they solemnly pledge themselves to a faithful and zealous support of the State in all the consequences that may result from the ordinance of secession. These principles and views of public policy, to which they stood pledged to their constituents, and which have governed their action in convention, are so well known as to require only a brief enumeration.

First. The great fundamental principle that all representative bodies, exercising a high and responsible public trust, should submit their acts for the approval or condemnation of those by whom the trust was confided, especially when in the discharge of such trust is involved a radical change in the existing government, affecting alike the highest and the lowest in the land, and upon which depends the welfare and happiness of not only this generation, but that of the remotest posterity, demanded that the ordinance of secession should have been submitted to the people of the State for their ratification or rejection at the ballot box. This principle is the foundation of the whole theory of popular government and is the only safeguard to the abuses of trust and the usurpations of power.

Second. Not only comity, but the interest of all concerned, and of none more than Alabama, dictated the policy of respectfully consulting with all the States whose identity of interest makes their ultimate destiny inseparable from ours and who are affected almost as much as ourselves by any action on our part; of devising with them, or at least such of them as would join us in a plan of harmonious and simultaneous action, thus presenting in all our dealings with the Federal Government, foreign nations, or hostile States a united strength, a moral power, and a national dignity which no single State could hope to present; of establishing a new confederacy of all the States engaged in a common cause before finally severing all connection with the Federal Government, and thus avoiding to the individual States the burdens and dangers of an independent and separate national existence, placing the formation of a new confederacy beyond the risks and hazards to which it would be subjected by the conflicting interests and views of disunited States, each acting for itself, without concert one with another, and leaving no interregnum during which men's minds could be unsettled, and all material interests jeoparded by the uncertainties of the future. These views of policy the undersigned are convinced are the only ones consonant with prudence and a wise discretion, and the only ones that can lead to a peaceful and successful termination of present difficulties. It is not yet too late to apply them, at least in part, to the management of public affairs, and as we see with pleasure the cheering indications of their being more generally recognized and adopted than during the first effervescence of popular excitement at the accumulated wrongs and insults of hostile and sectional factions, culminating in the election of a sectional President, it will not be necessary to add, in conclusion, that in refusing to sign the ordinance of secession the undersigned are actuated by no desire to avoid the responsibilities that now attach, or may hereafter attach, to the act by which the State withdrew from the Federal Union. Not only will they share these respon-

sibilities alike with those who sign the ordinance, but if it should appear that the public interest or expediency requires the affixing of their signatures they will unhesitatingly and cheerfully do so, their object being in the present statement solely to defend and maintain the principles and line of policy the advocacy and support of which was intrusted to them by their constituents, and which they believed to be of vital importance to the future peace and welfare of the State.

With this brief exposition of our acts and the reasons therefor, we are willing to be judged by a candid public. The truth and sincerity of our declarations and motives time alone can decide, and upon the correctness and wisdom of those principles and views of public policy by which we have been governed "other men and other times" will render a correct verdict.

R. JEMISON, JR.,
WM. O. WINSTON,
JOHN GREENE, SR.,
JOHN P. TIMBERLAKE,
M. J. BULGER,
Committee.

A. KIMBALL.
W. M. EDWARDS.
R. J. WOOD.
GEORGE FORRESTER.
HENRY M. GAY.
WINSTAN STEADHAM.
ARTHUR C. BEARD.
JAMES L. SHEFFIELD.
JOHN FRANKLIN.
JONATHAN FORD.
ROBERT GUTTERY.

W. R. SMITH.
NICH. DAVIS.
THOS. J. McCLELLAN.
JOHN POTTER.
S. C. POSEY.
E. P. JONES.
B. W. WILSON.
LANG. C. ALLEN.
JOHN A. STEELE.
J. P. COMAN.
HENRY C. SANFORD.
JOHN S. BRASHER.
W. A. HOOD.
JOHN R. COFFEY.
TIMOTHY J. RUSSELL.
H. C. JONES.
WM. L. WHITLOCK.

AN ORDINANCE to dissolve the union between the State of Georgia and other States united with her under a compact of government entitled "The Constitution of the United States of America."

We, the people of the State of Georgia, in convention assembled, do declare and ordain, and it is hereby declared and ordained, That the ordinance adopted by the people of the State of Georgia, in convention, on the 2d day of January, in the year of our Lord seventeen hundred and eighty-eight, whereby the Constitution of the United States of America was assented to, ratified, and adopted, and also all acts and parts of acts of the General Assembly of this State ratifying and adopting amendments of the said Constitution, are hereby repealed, rescinded, and abrogated.

We do further declare and ordain, That the union now subsisting between the State of Georgia and other States, under the name of the "United States of America," is hereby dissolved, and that the State of Georgia is in the full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent State.

Passed January 19, 1861.

GEO. W. CRAWFORD,
President.

Attest.

A. R. LAMAR,
Secretary.

MONTGOMERY, *January 19, 1861.*

His Excellency Governor A. B. MOORE:

DEAR SIR: As soon as possible after receiving your commission to me to confer with the authorities of Texas, I visited Austin, the seat of government. I did not find either the Legislature or convention in session, and the Governor was absent. For his return I waited, and with him I had a short conference, being kindly and hospitably received by him and the citizens of Texas generally. The Governor being the only public authority with whom I could confer, I addressed to him a short communication in writing, which I now inclose, and from him received to-day by mail a reply, for which I could not wait for a personal delivery. This I also inclose. The citizens of Texas seemed everywhere to be alive to the grave issues which were forced upon them for consideration. I do not deem it proper to give the impression which was made on my mind as to their future action from what I saw and heard in my hurried trip from Galveston to Austin and back. This, however, is the less important, as her Legislature meets on the 21st instant, and a convention, called by her citizens themselves, meets on the 28th instant; and from these we shall soon have an authoritative expression of views and course of action. However unsatisfactory the meager results of my mission may be, I trust Your Excellency will think that I have done all I could do under the circumstances and in the short time allowed me.

With sincere respect, I remain, yours, &c.,

J. M. CALHOUN.

[Inclosure No. 1.]

AUSTIN, *January 5, 1861.*

His Excellency Governor SAM. HOUSTON:

DEAR SIR: I come as the accredited commissioner of the State of Alabama to consult and advise with yourself and the members of the State Legislature and of the convention of Texas as to what is best to be done to protect the rights, the interests, and the honor of the slave-holding States. Neither the Legislature of Texas nor any convention being now in session, and my speedy return to Alabama being required, my conference must be of necessity confined to yourself, with a request that my communication to you may be communicated to the Legislature of Texas when it shall assemble, as I am pleased to learn it will at no very distant day. In the performance of this my duty, under all the surrounding circumstances, I have only simply to say that Alabama, through her Legislature, being the first to move in the direction which may probably result in the severance of all connection with the Federal Government as the only means of saving her citizens from the utter ruin and degradation which must follow from the administration of that Government by a sectional, hostile majority, desires to assure her sister slave-holding States that she feels that her interests are the same with theirs, and that a common destiny must be the same to all; that, therefore, whatever may be the course which she may deem it proper to take to meet the dangers by which she as well as they are surrounded, she will do so with an earnest desire that there may be in the present and in the future an unbroken bond of brotherhood and union between herself and Texas and every other slave-holding State; that she will not act with rashness or thoughtlessness, but with mature and deliberate consideration; that she will, by all means, endeavor to avoid the doing of any act which

may shake the confidence or alienate the friendly feelings of her sister slave-holding States; that whatever may be the determination of her people, to be assembled in their sovereign character in convention on the 7th instant, they will still cover themselves and posterity under the folds of the old Constitution of the United States in its purity and truth.

It is perhaps my duty to give Your Excellency my individual opinion that the action of the convention to assemble on the 7th instant will be to withdraw the State from the present Union, and to take her position as a sovereign and independent State, seeking and desiring a near and perfect union with all the other States of the South as speedily as possible. This will, however, have been decided one way or the other, and be made known to the Legislature of your State by the time it shall assemble.

Hoping and trusting that there may be no discord between the States of the South; that unanimity, confidence, wisdom, prudence, and firmness may mark the course of all, and that a kind Providence may rule over and guide and protect us in our day of gloom and danger,

I remain, very respectfully, your obedient servant,

J. M. CALHOUN,
Commissioner from Alabama.

[Inclosure No. 2.]

EXECUTIVE DEPARTMENT,
Austin, Tex., January 7, 1861.

Hon. J. M. CALHOUN,
Commissioner from Alabama:

DEAR SIR: Your communication of the 5th instant, informing me of the objects of your mission on the part of the State of Alabama, is before me. As a citizen of a sister State, bearing an appointment as commissioner to Texas from her Chief Executive, I welcome you here, and trust that whatever ideas you may adopt in reference to the political opinions of the people of Texas you may bear back with you the evidences of their kindness, hospitality, and friendship. Having convened the Legislature of the State with a view to its providing a mode by which the will of the people of Texas may be declared touching their relations with the Federal Government and the States, I cannot authoritatively speak as to the course they will pursue. A fair and legitimate expression of their will through the ballot box is yet to be made known. Therefore, were the Legislature in session, or were a legally authorized convention in session, until the action taken is ratified by the people at the ballot box, none can speak for Texas. Her people have ever been jealous of their rights, and have been careful how they parted with the attributes of their sovereignty. They will reserve to themselves the right to finally pass upon the act involving so closely their liberties, fortunes, peace, and happiness; and when, through the free exercise of that sacred privilege which has ever until now been deemed the best security for the liberties of the people and the surest means of remedying encroachments upon their rights they have declared their will, then, and then only, can any speak for Texas. Until then nothing but individual opinions can be expressed, and mine are entitled to no more weight than a long acquaintance with the people and a continued intercourse and communication with them would justify.

That there is a difference of opinion existing in Texas in relation to the course necessary to pursue at this period none can deny. Citizens alike distinguished for their worth and public services hold opposite views; and while all are united in the determination to maintain our constitutional rights, they differ as to the mode of accomplishing the same. In this I do not include that reckless and selfish class who, moved by personal ambition or a desire for office or spoil, desire a change of government in the hope that aggrandizement will attend them. I believe, however, that a large majority of the people, recognizing the obligations they owe to the Border States, who have so long stood as barriers against the assaults of Abolitionism, desire to concert such measures as will not only conduce to their safety but the benefit of the entire South. As Executive of the State I have deemed it my duty to present to the other Southern States a proposition for a consultation having that object in view. Alabama has not yet responded to the same, and although the tenor of your letter indicates that she will pursue a different course, I trust that when the great interests at stake are duly considered by her people they will determine to join with Texas and a majority of the Southern States in an honest and determined effort to obtain redress for the grievances which the North has put upon us ere they take the fatal step, which, in my opinion, ultimately involves civil war and the ruin of our institutions, if not of liberty itself.

If Alabama has been the first to move in the direction which may possibly result in the severance of all connection with the Federal Government, it is a matter of pride to me that Texas has, in the time of peril, been the first to move in that direction calculated to secure Southern unity and co-operation. Texas is the only one of the States which possessed, ere her connection with the Union, full and complete sovereignty. Though she brought an empire into the Union and added vastly to the area of slavery, she arrogates to herself no especial privileges, nor has she yet consulted her own safety or interest, save in common with that of the entire South. Knowing the obligations which she took upon herself when she came into the Union, she has thus far shown no desire to relieve herself of those obligations until it is manifest that the compact made with her will not be observed. Having made an effort, in concert with her sister slave-holding States, to secure the observance of that compact and failed in that effort, it would then be her pride to sink all considerations prompted by her own ambition and share a common fate with them; but if, on the contrary, they, consulting their own interests and their own inclinations, neither seeking her counsel nor co-operation, act separately and alone, and abandon a Union and a Government of which she yet forms a part, Texas will then be compelled to leave a policy whereby she has unselfishly sought the good of the whole South, and will pursue that course which her pride and her ancient character marks out before her.

Were I permitted to trust alone to the tenor of the first part of your communication, and had you given me no assurance of the fact that although Alabama desires to assure her sister slave-holding States that she feels that her interests are the same with theirs, and that a common destiny must be the same to all, and that she will, through her convention which assembles to-day, the 7th instant, withdraw from the present Union and take her position as a sovereign State, I could give you more assurances of my co-operation as Executive of Texas with Alabama in the present emergency. Should Alabama,

without waiting for the action of Texas, withdraw from the Union, and Texas, by the force of circumstances, be compelled at a future period to provide for her own safety, the course of Alabama, South Carolina, and such other States as may follow their lead will but strengthen the conviction already strong among our people that their interest will lead them to avoid entangling alliances, and to enter once again upon a national career. No claim would then exist upon Texas, for her co-operation has not been deemed important at a time when it was essential to her safety, and her statesmen will deem that she violates no duty to the South in imperiling once again her Lone Star banner, and maintaining her position among the independent nations of the earth. If the Union be dissolved and the gloomy forebodings of patriots be realized in the ruin and civil war to follow, Texas can "tread the wine press" alone in the day of her misfortune, even as her freemen trod it in the past; and if she fails in the effort to maintain liberty and her institutions upon her own soil, she will feel that posterity will justify her and lay no blame at her door. Texas, unlike Alabama, has a frontier subject to hostile incursions. Even with the whole power of the United States to defend her, it is impossible to prevent frequent outrages upon her citizens. The numerous tribes of Indians, now controlled by the United States, and restrained by treaty stipulations and the presence of the army, would by the dissolution of the Union be turned loose to provide for themselves, and judging from the past it is not unreasonable to suppose they will direct their savage vengeance against Texas. The bandits of Mexico have within the past year given an evidence of their willingness to make inroads upon us could they do so with impunity. These are some of the consequences of disunion which we of the border cannot shut out from our sight. If Texas has been compelled to resort to her own means of defense when connected with the present Union, it is not to be supposed that she could rely for protection on an alliance with the Gulf States alone, and having grown self-reliant amid adversity and continued so as a member of the Union, it will be but natural that her people, feeling that they must look to themselves, while sympathizing equally with those States whose institutions are similar to their own, will prefer a separate nationality to even an equal position in a confederacy which may be broken and destroyed at any moment by the caprice or dissatisfaction of one of its members. Texas has views of expansion not common to many of her sister States. Although an empire within herself, she feels that there is an empire beyond essential to her security. She will not be content to have the path of her destiny clogged. The same spirit of enterprise which founded a republic here will carry her institutions southward and westward. Having when but a handful of freemen withstood the power of that Nation and wrung from it her independence, she has no fear of Abolition power while in the Union; and should it be the resolve of her people to stand by the Constitution and maintain in the Union those rights guaranteed to them, she will even be proof against the "utter ruin and ignominy" depicted in your communication. A people determined to maintain their rights can neither be ruined nor degraded, and if Texas takes upon herself the holy task of sustaining the Constitution, even in the midst of its enemies, history will accord her equal praise with those who sought only their own safety and left the temple of liberty in their possession.

Were I left to believe that Alabama is disposed to second the efforts made to secure the co-operation of the South in demanding redress

for our grievances, or that her course would in the least depend upon that of Texas, I would suggest such views as sincere and earnest reflection have induced. But as you express the opinion that Alabama will, through her convention, without waiting to know the sentiments of the people of Texas, act for herself, there can be no reason why I should press them upon your attention, nor is it a matter of importance whether they reflect the popular sentiment of the State or not. They would be alike unavailing. Nor will I enter into a discussion as to how far the idea of the adoption of the Constitution of the United States will be acceptable to the people of the States forming a Southern confederacy. That Constitution was a compromise of conflicting interests. It was framed so as to protect the slave-holding States against the encroachments of the non-slave-holding. The statesmen of the South secured a representation for three-fifths of our slave property. Whether this and other provisions of that instrument will be deemed applicable to States which have no conflicting interests so far as slavery is concerned is not for me to say; but I cannot refrain from expressing the opinion that if the proud and gallant people of Alabama are willing to "still cover themselves and their posterity under the folds of the old Constitution of the United States in its purity and truth," the rights of Texas will be secure in the present Union, so long as that Constitution is preserved and controls the administration of the Government; and although the "administration of the Government by a sectional, hostile majority" will be distasteful to the feelings of Texas, if she can, by fair and constitutional means, induce that majority to yield obedience to the Constitution and administer the Government in accordance with it, the triumph will be hers, and we will escape the miseries of civil war and secure to us and to our posterity all the blessings of liberty which by the power of union made us the greatest nation on earth.

Recognizing as I do the fact that the sectional tendencies of the Black Republican party call for determined constitutional resistance at the hands of the united South, I also feel that the million and a half of noble-hearted, conservative men who have stood by the South, even to this hour, deserve some sympathy and support. Although we have lost the day, we have to recollect that our conservative Northern friends cast over a quarter of a million more votes against the Black Republicans than we of the entire South. I cannot declare myself ready to desert them as well as our Southern brethren of the border (and such, I believe, will be the sentiment of Texas) until at least one firm attempt has been made to preserve our constitutional rights within the Union. In conclusion, allow me to say that whatever may be the future of the people of Alabama, my hopes and ardent prayers for prosperity will attend them. When I remember their progress and the evidences they have had of the blessings of free government, I join you in the belief that they "will not act with rashness or thoughtlessness, but with mature and deliberate consideration." Forty-seven years ago, to prevent the massacre of her citizens, it was upon her soil that I gave the first proofs of my manhood in devotion to the Union. The flag that I followed then was the same Stars and Stripes which the sons of Alabama have aided to plant on many a victorious field. Since then Alabama has risen from an almost wilderness region (under the fostering care of the Federal Government and the power embraced in union) to a great, wealthy, and prosperous people, and obtained a position which without union with the other States she could not have achieved for ages, if ever.

Receive for yourself and the people of Alabama, whose accredited commissioner you are, the assurances of my esteem and consideration.

I have the honor to be, your most obedient servant,

SAM. HOUSTON.

MONTGOMERY, *January 21, 1861.*

His Excellency A. B. MOORE:

SIR: The rapidity with which information is now communicated from place to place and the almost hourly occurrence of most important events render the recitals of this communication a mere repetition of facts already familiar to the public mind, and though the events herein recited concern the recent dissolution of a great Government, they have already lost much of their absorbing interest because of the rapid succession of other great political changes of a more recent date. The convention of the people of the State of Mississippi assembled at the city of Jackson on the 7th day of the present month, and the Hon. William S. Barry, of Columbus, was elected president. Then, after other officers were chosen, the convention proceeded to the consideration of the great question which they had been empowered to decide. The object of my mission was made known to His Excellency J. J. Pettus, the Governor of that State, in a formal note, and was by him communicated to the convention; and as commissioner from this State I was invited to and accepted a seat in the convention, and during my stay at the capital of Mississippi I witnessed the proceedings of the convention, in its secret as well as its public sessions. The convention was composed of ninety-nine delegates, including many of the most distinguished men of the State, and its deliberations were conducted with the order, dignity, and solemnity fitting the deliberations of a sovereign people changing their form of government.

There was a large majority of delegates who favored the immediate dissolution of the political connection between that State and the Government of the United States, and a respectable minority was opposed to the separate action of the State, but no delegate favored the continuance of the union longer than was necessary to obtain the sanction of the Southern States. The debates arising from these differences of opinion among the delegates were conducted with great courtesy and forbearance. On the one side the majority did not resort to the parliamentary rules sometimes used to stifle debate, and on the other the minority opposed no factious opposition to the will of the majority. No bitter personalities marred the harmony of that body assembled not to honor or to punish individuals, but to direct the destiny of the State and to save its people from wrongs and dishonor.

On Wednesday, the 9th day of this month, a committee appointed for that purpose reported an ordinance declaring the State of Mississippi to be separated from the other States of the Union, and also giving the consent of the people of that State to the formation of a confederacy, on the basis of the present Constitution, with such States as had then or might thereafter secede from the then Federal Union. Various amendments were proposed and rejected, and about 5 o'clock in the evening the ordinance was passed by a vote of 84 to 14. During the call of the roll several of the delegates made remarks explaining their votes, and though some of these remarks were most eloquent and patriotic and were listened to by a large concourse of spectators, there was no symptom of applause or other disorder to disturb the solemnity

of the scene. When the president announced the passage of the ordinance prayer was offered in the most fervent and impressive manner to the great Ruler of Nations for the peace, protection, and prosperity of the new republic. It was a scene of moral grandeur—the doing of a brave deed by a gallant people, trusting in God.

On the day after the passage of the ordinance I was formally invited to address the convention, but as the purpose of my mission had been accomplished, and having no authority from the convention of Alabama to make any propositions concerning the formation of a new government, and not even knowing what would be the action of our State, I thought it best that I should not address the convention, and therefore declined the invitation. The ordinance of secession was enrolled on parchment, and it was signed on the 15th instant by every delegate except two, who were absent from the convention. The people of Mississippi are no longer divided. They are of one mind, ready to spend their fortunes and their lives to make good that which their delegates have ordained. As the minority of the delegates made no factious opposition, so the minority of the people are not inclined to make a seditious resistance to the sovereignty of the State. Those who were opposed to changing the form of government are now, with a patriotism worthy of all honor, determined to conquer or die in defense of the rights and sovereignty of their State. I left Jackson on the 18th instant, after having informed the Governor and the convention of my intention to do so.

I have the honor to be, with great respect, your obedient servant,

EDMUND W. PETTUS.

JOINT RESOLUTION concerning the position of Virginia in the event of the dissolution of the Union. Adopted January 21, 1861.

Resolved by the General Assembly of Virginia, That if all efforts to reconcile the unhappy differences existing between the two sections of the country shall prove to be abortive, then, in the opinion of the General Assembly, every consideration of honor and interest demands that Virginia shall unite her destiny with the slave-holding States of the South.

AN ORDINANCE to declare and continue in force in this State sundry laws of the late United States of America in reference to the African slave-trade.

The people of Georgia in convention assembled do hereby declare and ordain, That all the laws passed by the Congress of the late United States of America and in force in this State prior to the 19th day of January, 1861, in reference to the African slave-trade, except the fifth section of the act of the 10th of May, 1800, and also so much of the act of 15th of May, 1820, as declares the offenses therein specified to be piracy, and in lieu of the penalty of death therein specified there shall be substituted imprisonment in the penitentiary for a term of years not less than five nor exceeding twenty, in the discretion of the court, be, and the same are hereby, declared to be in full force in this State: *Provided*, The same shall not be construed to extend to the importation of negro slaves from any one of the slave-holding States of the late United States of America, or from either of the independent republics of South Carolina, Alabama, Florida, or Mississippi: *Provided further*, The slaves so introduced from the slave-holding States of North America shall not have been imported from beyond seas into such State since the 20th day of December, 1860.

Be it further ordained and declared, That the Governor of Georgia shall discharge all the duties required by said laws of the President of the United States, and the attorney or solicitor general of the judicial district where the case arises shall discharge all the duties required of the district attorney, and the sheriff of the county all the duties required of the marshal.

Be it further ordained, That the State of Georgia shall be substituted for the United States in every portion of the said laws where the substitution is required by the present independent condition of said State.

Passed January 23, 1861.

GEO. W. CRAWFORD,
President.

Attest.

A. R. LAMAR,
Secretary.

AN ORDINANCE to provide for the public defense.

Be it further ordained by the people of the State of Georgia in convention assembled, That the Governor of this State is hereby authorized to raise and equip a regular military force and to employ the same in such defensive service as the public security in this or neighboring States may demand. Such regular force shall not exceed two regiments of infantry and light infantry and artillery, in such proportion as the Governor may direct. The Governor as commander-in-chief shall appoint and commission the necessary officers for these forces, selecting as far as practicable officers of the U. S. Army who may have entered the service of this State, according to their relative rank, and all such commissions may be revoked whenever a government shall be established by the Southern States to which Georgia shall accede. The officers and enlisted men raised by this ordinance shall receive the same pay and emoluments as are provided for similar service by the laws of the United States.

And be it further ordained, That for the regulation of all military matters not otherwise provided for by the laws of this State, the Articles of War and the Army Regulations declared and established by the United States Government as lately existing, are hereby adopted as far as applicable to the present condition of this State.

Passed January 25, 1861.

GEO. W. CRAWFORD,
President.

Attest.

A. R. LAMAR,
Secretary.

AN ORDINANCE to resume jurisdiction over those places within the limits of Georgia over which jurisdiction has been heretofore ceded to the late United States of America, and to provide for compensation to the said United States for the improvements erected thereon.

The people of Georgia in convention assembled do hereby declare and ordain, That the cessions heretofore made by the General Assembly of this State granting jurisdiction to the late United States of America over specified portions of the territory within the present limits of the State of Georgia be, and the same are hereby, revoked and withdrawn,

and the full jurisdiction and sovereignty over the same are hereby resumed by said State.

Be it further ordained, That the buildings, machinery, fortifications, or other improvements erected on the land so heretofore ceded to the said United States, or other property found therein belonging [to] the United States, shall be held by this State subject to be accounted for in any future adjustment of the claims between this State and the said United States.

Passed January 25, 1861.

GEO. W. CRAWFORD,
President.

Attest.

A. R. LAMAR,
Secretary.

AN ORDINANCE concerning officers of the Army and Navy.

Whereas, certain officers of the Army and Navy of the United States, citizens of the State of Georgia, impelled by patriotic motives, have already resigned their appointments and tendered their services to the State; and whereas, others may desire to make the same tender:

Be it ordained by the people of Georgia in convention assembled, That all such officers who have resigned for the purposes aforesaid, or have made such offer, and all those on the active-list who may resign and make such tender of service within such time as circumstances may admit, shall be received into the service of the State and shall be appointed and commissioned by the Governor to the same relative rank in the army and navy of Georgia which they held under the Government of the United States, and shall receive the same pay from their entrance into service as they were entitled to at the time of their resignations: *Provided*, That the Governor of this State shall employ such officers in the service to which they may be respectively attached in such manner as in his judgment the public exigencies may require.

Passed January 25, 1861.

GEO. W. CRAWFORD,
President of the Convention.

Attest.

A. R. LAMAR,
Secretary.

AN ORDINANCE to define and declare what shall be treason and misprision of treason in the State of Georgia, and also certain felonies.

The people of Georgia in convention assembled do hereby declare and ordain, That if any person or persons owing allegiance to the State of Georgia shall levy war against said State or shall adhere to her enemies, giving them aid and comfort within the said State or elsewhere, or shall, in the name of the late United States of America or any other foreign power, seize or attempt to seize and hold possession, against the declared will of said State, of any fort, arsenal, mint, or other building within the territorial limits of said State, and shall be thereof convicted on confession in open court, or on the testimony of two witnesses to the same overt act of the treason whereof he or they shall stand indicted, such person or persons shall be adjudged guilty of treason against the State of Georgia and shall suffer death.

A person having knowledge of the commission of any of the treasonable acts aforesaid, and conceals or fails to disclose the same as soon

as may be to the Governor of said State or some one of the judges thereof, shall be guilty of misprision of treason, and on conviction shall be punished by imprisonment and labor in the penitentiary not less than five nor longer than ten years.

Any citizen of the State of Georgia, wherever resident, who shall, without the permission of the said State, directly or indirectly, commence or carry on any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with any intent to influence the measures or conduct of such government adversely to the existence or interests of said State in relation to any disputes or controversies with said State or to defeat the measures of the government of said State; or if any such person not duly authorized shall counsel, advise, aid, or assist in any such correspondence, such citizen of Georgia shall be guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary not less than one nor more than three years and by a fine not exceeding $5,000.

Passed January 26, 1861.

GEO. W. CRAWFORD,
President.

Attest.

A. R. LAMAR,
Secretary.

AN ORDINANCE to dissolve the union between the State of Louisiana and other States united with her under the compact entitled "The Constitution of the United States of America."

We, the people of the State of Louisiana, in convention assembled, do declare and ordain, and it is hereby declared and ordained, That the ordinance passed by us in convention on the 22d day of November, in the year eighteen hundred and eleven, whereby the Constitution of the United States of America and the amendments of the said Constitution were adopted, and all laws and ordinances by which the State of Louisiana became a member of the Federal Union, be, and the same are hereby, repealed and abrogated; and that the union now subsisting between Louisiana and other States under the name of "The United States of America" is hereby dissolved.

We do further declare and ordain, That the State of Louisiana hereby resumes all rights and powers heretofore delegated to the Government of the United States of America; that her citizens are absolved from all allegiance to said Government, and that she is in full possession and exercise of all those rights of sovereignty which appertain to a free and independent State.

We do further declare and ordain, That all rights acquired and vested under the Constitution of the United States, or any act of Congress, or treaty, or under any law of this State, and not incompatible with this ordinance, shall remain in force and have the same effect as if this ordinance had not been passed.

Adopted in convention at Baton Rouge this 26th day of January, 1861.*

A. MOUTON,
President of the Convention.

Attest.

J. THOS. WHEAT,
Secretary of the Convention.

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*See foot-note, Series I, Vol. LIII, p. 617.

A RESOLUTION passed by the convention of the people of Mississippi January 26, 1861.

Resolved, That our Senators and Representatives in the Congress of the Southern Confederacy, when it shall be formed, be and they are requested to use their influence to have a military academy similar to that of the United States at West Point, and that the cadets from the seceding States, now or recently at West Point, upon application, be transferred to said academy; and that others be received from time to time in accordance with the provisions of the act of Congress establishing it.

SEC. 2. *Be it further resolved*, That the secretary of this convention furnish Senators and Representatives with a copy of this resolution.

Attest.

F. A. POPE,
Secretary of the Convention.

[JANUARY 29, 1861.—For the Governor of Alabama to Lomax and Todd, authorizing the acceptance of volunteers, at Pensacola, for twelve months' service, see Series I, Vol. LII, Part II, p. 15.]

TUESDAY, *January 29, 1861.**

* * * * * * *

Mr. Nisbet, from the committee of seventeen to report the ordinance of secession, after stating that it was written by Mr. Toombs, made the following report, which was taken up, read, and adopted:

The people of Georgia having dissolved their political connection with the Government of the United States of America, present to their confederates and the world the causes which have led to the separation. For the last ten years we have had numerous and serious causes of complaint against our non-slave-holding confederate States with reference to the subject of African slavery. They have endeavored to weaken our security, to disturb our domestic peace and tranquillity, and persistently refused to comply with their express constitutional obligations to us in reference to that property, and by the use of their power in the Federal Government have striven to deprive us of an equal enjoyment of the common Territories of the Republic. This hostile policy of our confederates has been pursued with every circumstance of aggravation which could arouse the passions and excite the hatred of our people, and has placed the two sections of the Union for many years past in the condition of virtual civil war. Our people, still attached to the Union from habit and national traditions, and averse to change, hoped that time, reason, and argument would bring, if not redress, at least exemption from further insults, injuries, and dangers. Recent events have fully dissipated all such hopes and demonstrated the necessity of separation. Our Northern confederates, after a full and calm hearing of all the facts, after a fair warning of our purpose not to submit to the rule of the authors of all these wrongs and injuries, have by a large majority committed the Government of the United States into their hands. The people of Georgia, after an equally full and fair and deliberate hearing of the case, have declared with equal firmness that they shall not rule over them. A brief history of the rise, progress, and policy of anti-slavery and of the political organization into whose hands the administration of the Federal Government has been committed will fully justify the pronounced verdict of the people of Georgia. The party of Lincoln, called the Republican party, under its present name and organization, is of recent origin. It is admitted to be an anti-slavery party. While it attracts to itself by its creed the scattered advocates of exploded political heresies, of condemned theories in political economy, the advocates of commercial restrictions, of protection, of special

* From Journal of the Georgia Convention.

privileges, of waste and corruption in the administration of Government, anti-slavery is its mission and its purpose. By anti-slavery it is made a power in the state. The question of slavery was the great difficulty in the way of the formation of the Constitution. While the subordination and the political and social inequality of the African race was fully conceded by all, it was plainly apparent that slavery would soon disappear from what are now the non-slave-holding States of the original thirteen. The opposition to slavery was then, as now, general in those States and the Constitution was made with direct reference to that fact. But a distinct abolition party was not formed in the United States for more than half a century after the Government went into operation. The main reason was that the North, even if united, could not control both branches of the Legislature during any portion of that time. Therefore such an organization must have resulted either in utter failure or in the total overthrow of the Government. The material prosperity of the North was greatly dependent on the Federal Government; that of the South not at all. In the first years of the Republic the navigating, commercial, and manufacturing interests of the North began to seek profit and aggrandizement at the expense of the agricultural interests. Even the owners of fishing smacks sought and obtained bounties for pursuing their own business (which yet continue), and $500,000 is now paid them annually out of the Treasury. The navigating interests begged for protection against foreign shipbuilders and against competition in the coasting trade. Congress granted both requests, and by prohibitory acts gave an absolute monopoly of this business to each of their interests, which they enjoy without diminution to this day. Not content with these great and unjust advantages, they have sought to throw the legitimate burdens of their business as much as possible upon the public; they have succeeded in throwing the cost of light-houses, buoys, and the maintenance of their seamen upon the Treasury, and the Government now pays above $2,000,000 annually for the support of these objects. These interests, in connection with the commercial and manufacturing classes, have also succeeded, by means of subventions to mail steamers and the reduction of postage, in relieving their business from the payment of about $7,000,000 annually, throwing it upon the public Treasury under the name of postal deficiency. The manufacturing interests entered into the same struggle early, and has clamored steadily for Government bounties and special favors. This interest was confined mainly to the Eastern and Middle non-slave-holding States. Wielding these great States it held great power and influence, and its demands were in full proportion to its power. The manufacturers and miners wisely based their demands upon special facts and reasons rather than upon general principles, and thereby mollified much of the opposition of the opposing interest. They pleaded in their favor the infancy of their business in this country, the scarcity of labor and capital, the hostile legislation of other countries toward them, the great necessity of their fabrics in the time of war, and the necessity of high duties to pay the debt incurred in our war for independence. These reasons prevailed, and they received for many years enormous bounties by the general acquiescence of the whole country. But when these reasons ceased they were no less clamorous for Government protection, but their clamors were less heeded—the country had put the principle of protection upon trial and condemned it. After having enjoyed protection to the extent of from 15 to 200 per cent. upon their entire business for above thirty years, the act of 1846 was passed. It avoided sudden change, but the principle was settled, and free trade, low duties, and economy in public expenditures was the verdict of the American people. The South and the Northwestern States sustained this policy. There was but small hope of its reversal; upon the direct issue, none at all. All these classes saw this and felt it and cast about for new allies. The anti-slavery sentiment of the North offered the best chance for success. An anti-slavery party must necessarily look to the North alone for support, but a united North was now strong enough to control the Government in all of its departments, and a sectional party was therefore determined upon. Time and issues upon slavery were necessary to its completion and final triumph. The feeling of anti-slavery, which it was well known was very general among the people of the North, had been long dormant or passive; it needed only a question to arouse it into aggressive activity. This question was before us. We had acquired a large territory by successful war with Mexico; Congress had to govern it; how, in relation to slavery, was the question then demanding solution. This state of facts gave form and shape to the anti-slavery sentiment throughout the North and the conflict began. Northern anti-slavery men of all parties asserted the right to exclude slavery from the territory by Congressional legislation and demanded the prompt and efficient exercise of this power to that end. This insulting and unconstitutional demand was met with

great moderation and firmness by the South. We had shed our blood and paid our money for its acquisition; we demanded a division of it on the line of the Missouri restriction or an equal participation in the whole of it. These propositions were refused, the agitation became general, and the public danger great. The case of the South was impregnable. The price of the acquisition was the blood and treasure of both sections—of all, and, therefore, it belonged to all upon the principles of equity and justice. The Constitution delegated no power to Congress to exclude either party from its free enjoyment; therefore our right was good under the Constitution. Our rights were further fortified by the practice of the Government from the beginning. Slavery was forbidden in the country northwest of the Ohio River by what is called the ordinance of 1787. That ordinance was adopted under the old confederation and by the assent of Virginia, who owned and ceded the country, and therefore this case must stand on its own special circumstances. The Government of the United States claimed territory by virtue of the treaty of 1783 with Great Britain, acquired territory by cession from Georgia and North Carolina, by treaty from France, and by treaty from Spain. These acquisitions largely exceeded the original limits of the Republic. In all of these acquisitions the policy of the Government was uniform. It opened them to the settlement of all the citizens of all the States of the Union. They emigrated thither with their property of every kind (including slaves). All were equally protected by public authority in their persons and property until the inhabitants became sufficiently numerous and otherwise capable of bearing the burdens and performing the duties of self-government, when they were admitted into the Union upon equal terms with the other States, with whatever republican constitution they might adopt for themselves. Under this equally just and beneficent policy law and order, stability and progress, peace and prosperity marked every step of the progress of these new communities until they entered as great and prosperous commonwealths into the sisterhood of American States. In 1820 the North endeavored to overturn this wise and successful policy and demanded that the State of Missouri should not be admitted into the Union unless she first prohibited slavery within her limits by her constitution. After a bitter and protracted struggle the North was defeated in her special object, but her policy and position led to the adoption of a section in the law for the admission of Missouri, prohibiting slavery in all that portion of the territory acquired from France lying north of 36° 30′ north latitude and outside of Missouri. The venerable Madison at the time of its adoption declared it unconstitutional. Mr. Jefferson condemned the restriction and foresaw its consequences and predicted that it would result in the dissolution of the Union. His prediction is now history. The North demanded the application of the principle of prohibition of slavery to all of the territory acquired from Mexico and all other parts of the public domain then and in all future time. It was the announcement of her purpose to appropriate to herself all the public domain then owned and thereafter to be acquired by the United States. The claim itself was less arrogant and insulting than the reason with which she supported it. That reason was her fixed purpose to limit, restrain, and finally to abolish slavery in the States where it exists. The South with great unanimity declared her purpose to resist the principle of prohibition to the last extremity. This particular question, in connection with a series of questions affecting the same subject, was finally disposed of by the defeat of prohibitory legislation. The Presidential election of 1852 resulted in the total overthrow of the advocates of restriction and their party friends. Immediately after this result the anti-slavery portion of the defeated party resolved to unite all the elements in the North opposed to slavery and to stake their future political fortunes upon their hostility to slavery everywhere. This is the party to whom the people of the North have committed the Government. They raised their standard in 1856 and were barely defeated. They entered the Presidential contest again in 1860 and succeeded. The prohibition of slavery in the Territories, hostility to it everywhere, the equality of the black and white races, disregard of all constitutional guarantees in its favor, were boldly proclaimed by its leaders and applauded by its followers. With these principles on their banners and these utterances on their lips the majority of the people of the North demand that we shall receive them as our rulers. The prohibition of slavery in the Territories is the cardinal principle of this organization. For forty years this question has been considered and debated in the halls of Congress, before the people, by the press, and before the tribunals of justice. The majority of the people of the North in 1860 decided it in their own favor. We refuse to submit to that judgment, and in vindication of our refusal we offer the Constitution of our country and point to the total absence of any express power to exclude us. We offer the practice of our Government for the first thirty years of its existence in

complete refutation of the position that any such power is either necessary or proper to the execution of any other power in relation to the Territories. We offer the judgment of a large minority of the people of the North, amounting to more than one-third, who united with the unanimous voice of the South against this usurpation; and, finally, we offer the judgment of the Supreme Court of the United States, the highest judicial tribunal of our country, in our favor. This evidence ought to be conclusive that we have never surrendered this right. The conduct of our adversaries admonishes us that if we had surrendered it, it is time to resume it. The faithless conduct of our adversaries is not confined to such acts as might aggrandize themselves or their section of the Union. They are content if they can only injure us. The Constitution declares that persons charged with crimes in one State and fleeing to another shall be delivered up on the demand of the executive authority of the State from which they may flee, to be tried in the jurisdiction where the crime was committed. It would appear difficult to employ language freer from ambiguity, yet for above twenty years the non-slave-holding States generally have wholly refused to deliver up to us persons charged with crimes affecting slave property. Our confederates, with punic faith, shield and give sanctuary to all criminals who seek to deprive us of this property or who use it to destroy us. This clause of the Constitution has no other sanction than their good faith; that is withheld from us; we are remediless in the Union; out of it we are remitted to the laws of nations. A similar provision of the Constitution requires them to surrender fugitives from labor. This provision and the one last referred to were our main inducements for confederating with the Northern States. Without them it is historically true that we would have rejected the Constitution. In the fourth year of the Republic Congress passed a law to give full vigor and efficiency to this important provision. This act depended to a considerable degree upon the local magistrates of the several States for its efficiency. The non-slave-holding States generally repealed all laws intended to aid the execution of that act, and imposed penalties upon those citizens whose loyalty to the Constitution and their oaths might induce them to discharge their duty. Congress then passed the act of 1850, providing for the complete execution of this duty by Federal officers. This law, which their own bad faith rendered absolutely indispensable for the protection of constitutional rights, was instantly met with ferocious revilings and all conceivable modes of hostility. The Supreme Court unanimously, and their own local courts with equal unanimity (with the single and temporary exception of the supreme court of Wisconsin), sustained its constitutionality in all of its provisions. Yet it stands to-day a dead letter for all practicable purposes in every non-slave-holding State in the Union. We have their covenants, we have their oaths to keep and observe it, but the unfortunate claimant, even accompanied by a Federal officer with the mandate of the highest judicial authority in his hands, is everywhere met with fraud, with force, and with legislative enactments to elude, to resist, and defeat him. Claimants are murdered with impunity; officers of the law are beaten by frantic mobs instigated by inflammatory appeals from persons holding the highest public employment in these States, and supported by legislation in conflict with the clearest provisions of the Constitution, and even the ordinary principles of humanity. In several of our confederate States a citizen cannot travel the highway with his servant who may voluntarily accompany him, without being declared by law a felon and being subjected to infamous punishments. It is difficult to perceive how we could suffer more by the hostility than by the fraternity of such brethren. The public law of civilized nations requires every State to restrain its citizens or subjects from committing acts injurious to the peace and safety of any other State and from attempting to excite insurrection, or to lessen the security, or to disturb the tranquillity of their neighbors, and our Constitution wisely gives Congress the power to punish all offenses against the laws of nations. These are sound and just principles which have received the approbation of just men in all countries and all centuries; but they are wholly disregarded by the people of the Northern States, and the Federal Government is impotent to maintain them. For twenty years past the abolitionists and their allies in the Northern States have been engaged in constant efforts to subvert our institutions and to excite insurrection and servile war among us. They have sent emissaries among us for the accomplishment of these purposes. Some of these efforts have received the public sanction of a majority of the leading men of the Republican party in the national councils, the same men who are now proposed as our rulers. These efforts have in one instance led to the actual invasion of one of the slave-holding States, and those of the murderers and incendiaries who escaped public justice by flight have found fraternal protection among our Northern confederates. These are the men who say the Union shall be preserved. Such

are the opinions and such are the practices of the Republican party, who have been called by their own votes to administer the Federal Government under the Constitution of the United States. We know their treachery; we know the shallow pretenses under which they daily disregard its plainest obligations. If we submit to them it will be our fault and not theirs. The people of Georgia have ever been willing to stand by this bargain, this contract; they have never sought to evade any of its obligations; they have never hitherto sought to establish any new government; they have struggled to maintain the ancient right of themselves and the human race through and by that Constitution. But they know the value of parchment rights in treacherous hands, and therefore they refuse to commit their own to the rulers whom the North offers us. Why? Because by their declared principles and policy they have outlawed $3,000,000,000 of our property in the common territories of the Union; put it under the ban of the Republic in the States where it exists and out of the protection of Federal law everywhere; because they give sanctuary to thieves and incendiaries who assail it to the whole extent of their power, in spite of their most solemn obligations and covenants; because their avowed purpose is to subvert our society and subject us not only to the loss of our property but the destruction of ourselves, our wives, and our children, and the desolation of our homes, our altars, and our firesides. To avoid these evils we resume the powers which our fathers delegated to the Government of the United States, and henceforth will seek new safeguards for our liberty, equality, security, and tranquillity.

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EXECUTIVE DEPARTMENT,
Tallahassee, February 2, 1861.

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES:

The people of the State having declared themselves a sovereign and independent nation, the duty of providing by law proper measures for the defense of that sovereignty and independence is, by the constitution, cast upon the executive and legislative branches of the government of the State, and it is particularly my duty to call your attention to such matters as may seem to me to justify the belief that the State is in danger from any foe, and to call on you to unite with me in defending her from injury. The occurrences of the last two months sufficiently indicate that this State and any others of the slave-holding States which have or yet may decide to separate from any political connection with the non-slave-holding States of the late American Union will not be permitted to accomplish such separation in a peaceable manner, and that they must maintain the independence which they assert and claim to have the right to assume by a show of force, perhaps by an actual resort to arms, however powerful may be the argument on which we rely to justify our separation. However much we may be convinced of our right to adopt the course which as a people we have determined to pursue to avert from us and our posterity the calamities which we feared would befall us and them from the continuance of a Government in a just share of the power of which we could not reasonably expect to enjoy, although the wrong and injuries we had experienced without any adequate redress from the Government of the United States were such as rendered the advantages we derived from it no adequate compensation for the evils to which it left us exposed, and although we as a free, enlightened, and Christian people have, after long suffering and expostulation with those who sought to injure us under the forms of legislation and under the shield of the Union, been driven to the exercise of the right to reassume to our State the powers delegated to the Federal Union of States which existed under the Constitution of the United States, which right is plain and incontestable by any of the principles upon which the independence of the

American colonies was placed by the illustrious men who framed and adopted the declaration of the reasons which governed the people of the colonies in their action; yet it is manifest that the inhabitants of the non-slave-holding States are hardening their hearts against all signs and evidences which justify our exodus from among them, and that, like Egyptians of old, they are not willing that we should depart in peace from our state of bondage, but, in the spirit of the oppressor, they seek to tighten their grasp upon a people who have been to them an abundant source of profit and advantage, and are preparing their host to follow after and to return us to a captivity the latter end of which must be worse than the first. Whilst President Buchanan has officially declared that he has no power to employ the military and naval forces under his control in any overt act of hostility against any of the States which have dissolved their connection with the late Federal Union, yet it is apparent that he supports officers of the Army under his control in the hostile occupation of portions of the territory of this State and our sister State of South Carolina, permits his general and members of his Cabinet to set on foot military expeditions against us, re-enforce forts, order men-of-war to hover on our coast in hostile array, and has advised Congress to pass laws for the purpose of collecting revenue from imposts into our State by means of armed vessels. This conduct of President Buchanan, which is totally at war with our claim of independence and sovereignty, is not only recognized to be correct and supported by the representatives of the non-slave-holding States sitting in Congress at Washington, and claiming to be the Congress of the United States, but they have, by speech and votes, manifested a firm resolve to disregard the act of the people, done in convention, dissolving the political ties which united us with the people whom they represent, and declare their purpose, so soon as they can attain further power by the inauguration of a President elected by themselves, without the voice and in direct opposition to the will of our people, to use all the military and naval power which they may be enabled to acquire the possession and control of to subjugate our people and those of the States concurring with us, and to compel us to submit to that Government which we resolved to throw off because its further continuance menaced the destruction of our rights and liberties. We have unmistakable evidence of every kind that is significant and reliable that the people of the non-slave-holding States sustain the action and declared purposes of those whom they chose by a large majority of their voices to represent them and rule us. We have seen Legislatures of the great States of New York, Ohio, and Massachusetts passing resolutions pledging men and money to aid in fastening upon us again the chains with which they hope to attach us forever to a condition of bondage and vassalage to an unfriendly people. No friendly voice was lifted in the councils of these States to defend our action and to maintain our right to throw off a Government which, in our opinion, no longer conferred on us those blessings of peace and domestic tranquillity which it was founded to secure. No one was heard to utter that truth which our ancestors had inserted in their Declaration of Independence, "that all governments derive their just powers from the consent of the governed." Of all the mighty thousands of Northern men whom we were beseeched to trust to as a sufficient means to guard us against the ruin which we foresaw in the impending ascendancy of the Black Republican party, not even a respectable minority in the Legislatures alluded to opposed their votes to such foul acts of

unfriendly power. No lover of human liberty was heard to exclaim, wherever people calling themselves Republicans were, through their representatives, offering to furnish the means to compel millions of their fellow-men—their equals and lately their fellow-citizens—to submit to a Government under which they honestly believed they could not enjoy their admitted and just rights. No Burke, no Barre, no Fox, declared against acts of tyranny far more odious and cruel than those which a North and a Bute perpetrated under the authority of a Crown, and which found illustrious patriots ready to denounce in the hearing of the mighty monarch who sat on the throne of Great Britain. We are not only assured that force of arms is to be employed to compel us to pass under the yoke of Black Republican rule by the evidences I have alluded to, derived from legislative proceedings of the State Legislatures and of representative men in Congress from non-slave-holding States, but daily the press and the pulpit pour forth denunciations against our people and earnestly count the days yet to lapse when they fervently hope to see their representative man, Abraham Lincoln, enthroned at Washington in undisputed possession of all the machinery of the Government, supported by the military chieftain, who, like Napoleon at Paris, coolly and deliberately, without remorse or hesitancy, plants the cannon that is to mow down, at his word of command, his fellow-citizens, whom a love of liberty may urge to make an effort to save the tomb of Washington from remaining in the keeping of those who have forgotten his precepts, and have by the organization of a sectional party destroyed the Government and buried the spirit of the Constitution. We are forewarned of coming attacks upon our political and civil liberties, and shall we not be forearmed? We have yet heard but the mutterings of the thunder, but the storm is not afar off. It may pass by us, but let us be prepared to meet it firmly and avert from our people the injury with which it threatens them. Let us remember the voice of that illustrious Southerner whose mortal remains lie entombed on the banks of the Potomac, who counseled us "In time of peace to prepare for war." Let us arm for the contest, and perchance by a show of our force and our readiness for the combat we may escape the realities of war. Already our brethren of the Southern States are arming. We, too, have made some preparation, but much remains undone. We see that even the slave-holding States of Missouri, Tennessee, Virginia, and North Carolina, which have not yet cut loose the ties which connect them politically with the non-slave-holding States, are arming for the contest. In Virginia the people are ahead of the Legislature, and have in their county meetings empowered the county authorities to put the militia on a war footing, and have raised funds for the purchase of arms and ammunition. All these signs and tokens warn us to be ready to defend our rights. With the notes of hostile preparation sounding in our ears, with the example of our brethren (whose fate we must share) to stimulate us, is it not our duty to prepare to sustain by our arms what we have determined upon in our counsels?

We who were emulous of being foremost in dissolving the Union should not be laggard in preparing for the contest. We have taken the field. Our flag is unfurled at Pensacola, where our gallant troops stand shoulder to shoulder with the brave volunteers from our sister States, who, with a noble, generous chivalry, stand ready to obey our orders and co-operate with us most cordially in our time of need. Let us make provisions to keep them under arms and to call

out and support them by others should they be needed. The State expects us to do our duty; the people will do theirs. I invite you, therefore, to lend me your aid and to unite with me in providing for the calling into service such a number of troops as may be equal to our defense when assisted, as we shall be, by our sister States who are preparing to unite their political fortunes with ours. I also suggest to you that you should make special appropriations for the pay and maintenance of as many troops as may be called into service, and for the purchase of munitions of war, transportation of troops, and other expenses incidental to the defenses of the State. The States of Louisiana, Mississippi, Georgia, Alabama, and South Carolina, which have dissolved their connection with the late Federal Union, have elected delegates to meet with those sent from this State to the convention to be held in Montgomery, Ala., on the 4th day of this month, being the day suggested by a majority of the seceding States. We may expect, therefore, that the convention will at an early day form a provisional government for the States represented and call for troops and money from the confederates. The quota of Florida will not be large, but we should proceed to organize the force which we are likely to be called on to furnish, and appropriate the means necessary for the maintenance and pay of them and our quota of the expense of the common defense.

I am not able to lay before you an estimate of the amount necessary, but will readily confer with committees of your bodies, with a view to ascertain what sum of money may be required therefor.

Very respectfully,

M. S. PERRY.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., February 4, 1861.

Hon. A. B. MEEK,
Speaker House of Representatives:

SIR: I herewith transmit to the House of Representatives certain preamble and resolutions adopted by the General Assembly of Virginia January 19, 1861. These resolutions have been handed to me by Judge John Robertson, who has been appointed a commissioner to this State by the Legislature of Virginia. The special object of his mission will be fully seen and understood by reference to the resolutions. The following communication was addressed to me by Judge Robertson:

MONTGOMERY HALL, *February 3, 1861.*

His Excellency the GOVERNOR OF ALABAMA:

SIR: Looking with deep concern at the menacing attitude in which the seceded States and the Government at Washington stand toward each other, the State of Virginia appeals to both parties to abstain from all acts of a hostile tendency until a further effort shall be made to terminate existing differences by an honorable and peaceful adjustment. I avail myself of the earliest moment to transmit to Your Excellency the resolutions of the General Assembly of Virginia adopted with that view, and commissioning me to convey their friendly mediation to yourself and the authorities of the seceding States. The day for the meeting of the proposed commissioners at Washington you will perceive is at hand. This must be my apology for asking as early a reply as may consist with your convenience. It will afford me much pleasure to give, if desired, any further explanation in my power touching the objects of my mission on the views and wishes of the State I have the honor to represent.

Very respectfully,

JOHN ROBERTSON.

To this communication I returned the following answer:

EXECUTIVE DEPARTMENT,
Montgomery, Ala., February 3, 1861.

HON. JOHN ROBERTSON,
Commissioner from the State of Virginia:

SIR: I have the honor to acknowledge the receipt of your letter of this date, with the preamble and resolutions adopted by the General Assembly of Virginia January 19, 1861. As Chief Magistrate of the State of Alabama, I extend to you a cordial welcome to the seat of government as commissioner from the Commonwealth of Virginia. From your letter and the resolutions referred to, I understand that ex-President John Tyler has been appointed a commissioner to the President of the United States and yourself to "South Carolina and the other States that have seceded or shall secede, with instructions respectfully to request the President of the United States and the authorities of such States to agree to abstain, pending the proceedings contemplated by the action of the General Assembly, from any and all acts calculated to produce a collision of arms between the States and the Government of the United States." After tendering to the State of Virginia, through you, my thanks for the friendly mediation contemplated by the resolutions of her General Assembly, it gives me pleasure to state that Alabama in her act of secession and in occupying the forts and arsenals within her limits intended no hostility to the Federal Government. Her sole object has been to protect her rights, interest, and honor without disturbing (if possible) her peaceful relations with the Government of the United States. This I feel assured will continue to be the policy of the State unless the Federal authorities should by some hostile act or demonstration make it necessary to adopt a different course for her protection and the protection of the other States that have seceded or may secede. Whilst I feel authorized to assure you [that Alabama will] do nothing intended to produce a collision of arms between the Federal Government and herself, I am equally certain that it is her firm determination to resist at all and any hazard any attempt at coercion. Having no power to appoint delegates to the proposed convention at Washington, the resolutions of the General Assembly of Virginia will be immediately transmitted to the Legislature of this State, where, I have no doubt, they will receive that respectful consideration the high and friendly source from which they come entitles them to. Candor, however, compels me to say that I do not feel authorized to indulge the least hope that concessions will be made affording such guaranties as the seceding States can or will accept. Being satisfied that the State from which emanated the resolutions of '98 and '99 is as determined to maintain her constitutional rights as the seceded States, I do not entertain a doubt that she will be found co-operating with them when she is convinced that those rights cannot be secured in the Federal Union.

For the courteous and dignified manner in which you have made known the object of your mission, you will please accept my thanks.

With the highest consideration, I am, your obedient servant,

A. B. MOORE.

The foregoing letter contains my understanding of the intention and policy of the State of Alabama in regard to her position toward the Federal Government. I deem it proper to lay before the Legislature the communication of Judge Robertson to me and my answer thereto, that my views may be fully understood. I have referred the question of the appointment of commissioners to Washington to the Legislature, having no power to make such appointments myself. I would suggest, however, that as this State, with five others, has withdrawn from the Federal Union and has appointed delegates to a Southern congress, which is now assembled in this city for the purpose of establishing a new government, I cannot see with what propriety the State could send commissioners to Washington to reconstruct the old Government. Judge Robertson is now in this city. His high character and his friendly mission from the great State of Virginia entitle him to the highest consideration of the authorities of Alabama.

Very respectfully,

A. B. MOORE.

[Inclosure.]

JOINT RESOLUTIONS inviting the other States to send commissioners to meet commissioners on the part of Virginia, and providing for the appointment of the same. Adopted January 19, 1861.

Whereas, it is the deliberate opinion of the General Assembly of Virginia that unless the unhappy controversy which now divides the States of this confederacy shall be satisfactorily adjusted a permanent dissolution of the Union is inevitable, and the General Assembly, representing the wishes of the people of the Commonwealth, is desirous of employing every reasonable means to avert so dire a calamity, and determined to make a final effort to restore the Union and the Constitution in the spirit in which they were established by the fathers of the Republic: Therefore,

1. *Resolved*, That on behalf of the Commonwealth of Virginia an invitation is hereby extended to all such States, whether slave-holding or non-slave-holding, as are willing to unite with Virginia in an earnest effort to adjust the present unhappy controversies in the spirit in which the Constitution was originally formed and consistently with its principles, so as to afford to the people of the slave-holding States adequate guarantees for the security of their rights, to appoint commissioners to meet on the 4th day of February next, in the city of Washington, similar commissioners appointed by Virginia, to consider and, if practicable, agree upon some suitable adjustment.

2. *Resolved*, That Ex-President John Tyler, William C. Rives, Judge John W. Brockenbrough, George W. Summers, and James A. Seddon are hereby appointed commissioners, whose duty it shall be to repair to the city of Washington on the day designated in the foregoing resolution, to meet such commissioners as may be appointed by any of the said States, in accordance with the foregoing resolution.

3. *Resolved*, That if said commissioners, after full and free conference, shall agree upon any plan of adjustment requiring amendments of the Federal Constitution for the further security of the rights of the people of the slave-holding States, they be requested to communicate the proposed amendments to Congress, for the purpose of having the same submitted by that body, according to the forms of the Constitution, to the several States for ratification.

4. *Resolved*, That if said commissioners cannot agree on such adjustment, or if agreeing, Congress shall refuse to submit for ratification such amendments as may be proposed, then the commissioners of this State shall immediately communicate the result to the Executive of this Commonwealth, to be by him laid before the convention of the people of Virginia and the General Assembly: *Provided*, That the said commissioners be subject at all times to the control of the General Assembly, or if in session, to that of the State convention.

5. *Resolved*, That in the opinion of the General Assembly of Virginia the propositions embraced in the resolutions presented to the Senate of the United States by the Hon. John J. Crittenden, so modified as that the first article proposed as an amendment to the Constitution of the United States shall apply to all the territory of the United States now held or hereafter acquired south of latitude 36 degrees and 30 minutes, and provide that slavery of the African race shall be effectually protected as property therein during the continuance of the territorial government, and the fourth article shall secure to the owners of slaves the right of transit with their slaves between and through the non-slave-holding States and Territories,

constitute the basis of such an adjustment of the unhappy controversy which now divides the States of this confederacy as would be accepted by the people of this Commonwealth.

6. *Resolved*, That Ex-President John Tyler is hereby appointed by the concurrent vote of each branch of the General Assembly a commissioner to the President of the United States, and Judge John Robertson is hereby appointed, by a like vote, a commissioner to the State of South Carolina and the other States that have seceded, or shall secede, with instructions respectfully to request the President of the United States and the authorities of such States to agree to abstain, pending the proceedings contemplated by the action of this General Assembly, from any and all acts calculated to produce a collision of arms between the States and the Government of the United States.

7. *Resolved*, That copies of the foregoing resolutions be forthwith telegraphed to the Executives of the several States, and also to the President of the United States, and that the Governor be requested to inform, without delay, the commissioners of their appointment by the foregoing resolutions.

[FEBRUARY 5, 1861.—For Governor of Alabama to Burtwell and others, authorizing the enlistment of recruits for State service, see Series I, Vol. LII, Part II, p. 16.]

MONTGOMERY, ALA., *February 6, 1861.**

Hon. HOWELL COBB,

President of the Southern Congress:

The undersigned have the honor to submit to the consideration of the Southern Congress the accompanying resolutions adopted by the General Assembly of the State of North Carolina on the 29th ultimo.

We are, with high consideration, your obedient servants,

D. L. SWAIN.
M. W. RANSOM.
JOHN L. BRIDGES.

The following were then reported to the Congress as the resolutions accompanying the foregoing communication:

1. *Resolved*, That for the purpose of effecting an honorable and amicable adjustment of all the difficulties that distract the country, upon the basis of the Crittenden Resolutions as modified by the Legislature of Virginia, and for the purpose of consulting for our common peace, honor, and safety, the Hon. Thomas Ruffin, of Alamance, D. M. Barringer, David L. Reid, John M. Morehead, and George Davis be, and they are hereby, appointed commissioners to represent North Carolina in the proposed consultation to be held at Washington City on the 4th of February, 1861.

And whereas the State of North Carolina has been invited by the State of Alabama to meet at the city of Montgomery on the 4th of February, 1861, for the purpose of forming a provisional as well as permanent government; and whereas North Carolina as a part of the Federal Union has no right to send delegates for such a purpose: Therefore,

2. *Be it resolved*, That for the purpose of effecting an honorable and amicable adjustment of all the difficulties that distract the country, upon the basis of the Crittenden Resolutions, as modified by the Legislature of Virginia, and for the purpose of consulting for our common peace, honor, and safety, the Hon. David

* From Journal of the Provisional Congress.

L. Swain, M. W. Ransom, and John L. Bridges are appointed commissioners to visit Montgomery, Ala., for the purpose above indicated.

3. *Resolved further*, That His Excellency the Governor be requested immediately to inform the commissioners of their appointment, and upon the refusal of any one of them to serve, report the same immediately to the General Assembly.

Indorsed, read three times, and ratified in General Assembly this 29th day of January, A. D. 1861.

WM. T. DORTCH,
Speaker House of Commons.
HENRY T. CLARK,
Speaker of Senate.

* * * * * * *

On motion of Mr. Toombs, a committee of three was appointed to invite the commissioners from the State of North Carolina to seats on the floor when Congress is in open session.

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THE CONFEDERATE STATES OF AMERICA.

At a congress of the sovereign and independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, begun and holden at the capitol in Montgomery, in the State of Alabama, on the fourth day of February, in the year of our Lord one thousand eight hundred and sixty-one, and thence continued, by divers adjournments, until the eighth day of February in the same year:

Constitution for the Provisional Government of the Confederate States of America.

We, the deputies of the sovereign and independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, invoking the favor of Almighty God, do hereby, in behalf of these States, ordain and establish this Constitution for the Provisional Government of the same: to continue one year from the inauguration of the President, or until a permanent constitution or confederation between the said States shall be put in operation, whichsoever shall first occur.

ARTICLE I.

SECTION 1. All legislative powers herein delegated shall be vested in this Congress now assembled until otherwise ordained.

SEC. 2. When vacancies happen in the representation from any State, the same shall be filled in such manner as the proper authorities of the State shall direct.

SEC. 3. 1. The Congress shall be the judge of the elections, returns and qualifications of its members; any number of deputies from a majority of the States, being present, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members; upon all questions before the Congress, each State shall be entitled to one vote, and shall be represented by any one or more of its deputies who may be present.

2. The Congress may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. The Congress shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their

judgment require secrecy; and the yeas and nays of the members on any question shall, at the desire of one-fifth of those present, or at the instance of any one State, be entered on the journal.

SEC. 4. The members of Congress shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the Confederacy. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of the Congress, and in going to and returning from the same; and for any speech or debate they shall not be questioned in any other place.

SEC. 5. 1. Every bill which shall have passed the Congress shall, before it become a law, be presented to the President of the Confederacy; if he approve, he shall sign it; but if not, he shall return it with his objections to the Congress, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the Congress shall agree to pass the bill, it shall become a law. But in all such cases, the vote shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. The President may veto any appropriation or appropriations and approve any other appropriation or appropriations in the same bill.

2. Every order, resolution or vote, intended to have the force and effect of a law, shall be presented to the President, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Congress, according to the rules and limitations prescribed in the case of a bill.

3. Until the inauguration of the President, all bills, orders, resolutions and votes adopted by the Congress shall be of full force without approval by him.

SEC. 6. 1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, for the revenue necessary to pay the debts and carry on the Government of the Confederacy; and all duties, imposts and excises shall be uniform throughout the States of the Confederacy.

2. To borrow money on the credit of the Confederacy:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the Confederacy:

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederacy:

7. To establish post-offices and post-roads:

8. To promote the progress of science and useful arts, by securing, for limited times to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Confederacy, suppress insurrections, and repel invasions:

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederacy, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

17. To make all laws that shall be necessary and proper for carrying into execution the foregoing powers and all other powers expressly delegated by this Constitution to this Provisional Government.

18. The Congress shall have power to admit other States.

19. This Congress shall also exercise executive powers, until the President is inaugurated.

SEC. 7. 1. The importation of African negroes from any foreign country other than the slave-holding States of the United States, is hereby forbidden; and Congress are required to pass such laws as shall effectually prevent the same.

2. The Congress shall also have power to prohibit the introduction of slaves from any State not a member of this Confederacy.

3. The privilege of the writ of habeas corpus shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it.

4. No bill of attainder, or *ex post facto* law shall be passed.

5. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another: nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. Congress shall appropriate no money from the Treasury, unless it be asked and estimated for by the President or some one of the heads of departments, except for the purpose of paying its own expenses and contingencies.

8. No title of nobility shall be granted by the Confederacy; and no person holding any office of profit or trust under it, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

9. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercises thereof: or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of such grievances as the delegated powers of this Government may warrant it to consider and redress.

10. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

11. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

12. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

13. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

14. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

15. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the Confederacy, than according to the rules of the common law.

16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

17. The enumeration, in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people.

18. The powers not delegated to the Confederacy by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

19. The judicial power of the Confederacy shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the States of the Confederacy, by citizens of another State, or by citizens or subjects of any foreign state.

SEC. 8. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the Confederacy, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Article II.

Section 1. 1. The executive power shall be vested in a President of the Confederate States of America. He, together with the Vice-President, shall hold his office for one year, or until this Provisional Government shall be superseded by a permanent government, whichsoever shall first occur.

2. The President and Vice-President shall be elected by ballot by the States represented in this Congress, each State casting one vote, and a majority of the whole being requisite to elect.

3. No person, except a natural-born citizen, or a citizen of one of the States of this Confederacy at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident of one of the States of this Confederacy.

4. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office (which inability shall be determined by a vote of two-thirds of the Congress), the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

5. The President shall at stated times receive for his services, during the period of the Provisional Government, a compensation at the rate of $25,000 per annum; and he shall not receive during that period any other emolument from this Confederacy, or any of the States thereof.

6. Before he enter on the execution of his office, he shall take the following oath or affirmation:

I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States of America, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof.

Sec. 2. 1. The President shall be Commander-in-Chief of the Army and Navy of the Confederacy, and of the militia of the several States, when called into the actual service of the Confederacy; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the Confederacy, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Congress, to make treaties; provided two-thirds of the Congress concur: and he shall nominate, and by and with the advice and consent of the Congress, shall appoint ambassadors, other public ministers and consuls, judges of the courts, and all other officers of the Confederacy whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Congress, by granting commissions, which shall expire at the end of their next session.

SEC. 3. 1. He shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene the Congress at such times as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the Confederacy.

2. The President, Vice-President, and all civil officers of the Confederacy shall be removed from office on conviction by the Congress of treason, bribery, or other high crimes and misdemeanors: a vote of two-thirds shall be necessary for such conviction.

ARTICLE III.

SECTION 1. 1. The judicial power of the Confederacy shall be vested in one Supreme Court, and in such inferior courts as are herein directed, or as the Congress may from time to time ordain and establish.

2. Each State shall constitute a district,[a] in which there shall be a court called a district court, which, until otherwise provided by the Congress, shall have the jurisdiction vested by the laws of the United States, as far as applicable, in both the district and circuit courts of the United States, for that State; the judge whereof shall be appointed by the President, by and with the advice and consent of the Congress, and shall, until otherwise provided by the Congress, exercise the power and authority vested by the laws of the United States in the judges of the district and circuit courts of the United States, for that State, and shall appoint the times and places at which the courts shall be held. Appeals may be taken directly from the district courts to the Supreme Court, under similar regulations to those which are provided in cases of appeal to the Supreme Court of the United States, or under such regulations as may be provided by the Congress. The commissions of all the judges shall expire with this Provisional Government.

3. The Supreme Court shall be constituted of all the district judges, a majority of whom shall be a quorum, and shall sit at such times and places as the Congress shall appoint.

4. The Congress shall have power to make laws for the transfer of any causes which were pending in the courts of the United States, to the courts of the Confederacy, and for the execution of the orders, decrees and judgments heretofore rendered by the said courts of the United States; and also all laws which may be requisite to protect the parties to all such suits, orders, judgments, or decrees, their heirs, personal representatives, or assignees.

SEC. 2. 1. The judicial power shall extend to all cases of law and equity, arising under this Constitution, the laws of the United States, and of this Confederacy, and treaties made, or which shall be made, under its authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederacy shall be a party; controversies between two or more States; between citizens of different States; between citizens of the same States claiming lands under grants of different States.

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[a] This paragraph amended. See *post*, p. 9 [342].

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. 1. Treason against this Confederacy shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1. 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved and the effect of such proof.

SEC. 2. 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. A slave in one State, escaping to another, shall be delivered up on claim of the party to whom said slave may belong by the executive authority of the State in which such slave shall be found, and in case of any abduction or forcible rescue, full compensation, including the value of the slave and all costs and expenses, shall be made to the party, by the State in which such abduction or rescue shall take place.

SEC. 3. 1. The Confederacy shall guarantee to every State in this Union, a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.

1. The Congress, by a vote of two-thirds, may, at any time, alter or amend this Constitution.

ARTICLE VI.

1. This Constitution, and the laws of the Confederacy which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederacy, shall be the supreme

law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

2. The Government hereby instituted shall take immediate steps for the settlement of all matters between the States forming it, and their other late confederates of the United States in relation to the public property and public debt at the time of their withdrawal from them; these States hereby declaring it to be their wish and earnest desire to adjust everything pertaining to the common property, common liability and common obligations of that union, upon the principles of right, justice, equity, and good faith.

3. Until otherwise provided by the Congress, the city of Montgomery in the State of Alabama, shall be the seat of government.

4. The members of the Congress and all executive and judicial officers of the Confederacy shall be bound by oath or affirmation to support this Constitution; but no religious test shall be required as a qualification to any office or public trust under this Confederacy.

Done in the Congress, by the unanimous consent of all the said States, the eighth day of February, in the year of our Lord one thousand eight hundred and sixty-one, and of the Confederate States of America the first.

In witness whereof we have hereunto subscribed our names.

HOWELL COBB,
President of the Congress.

South Carolina: R. Barnwell Rhett, R. W. Barnwell, James Chesnut, jr., C. G. Memminger, Wm. Porcher Miles, Lawrence M. Keitt, William W. Boyce, Tho. J. Withers.

Georgia: R. Toombs, Francis S. Bartow, Martin J. Crawford, E. A. Nisbet, Benjamin H. Hill, Augustus R. Wright, Thos. R. R. Cobb, A. H. Kenan, Alexander H. Stephens.

Florida: Jackson Morton, Jas. B. Owens, J. Patton Anderson.

Alabama: Richard W. Walker, Robt. H. Smith, Colin J. McRae, Jno. Gill Shorter, William Parish Chilton, Stephen F. Hale, David P. Lewis, Tho. Fearn, J. L. M. Curry.

Mississippi: W. P. Harris, Alex. M. Clayton, W. S. Wilson, James T. Harrison, Walker Brooke, William S. Barry, J. A. P. Campbell.

Louisiana: John Perkins, jr., Alex. de Clouet, C. M. Conrad, Duncan F. Kenner, Edward Sparrow, Henry Marshall.

By a vote of the Congress, on the 2d day of March, in the year 1861, the deputies from the State of Texas were authorized to sign the Provisional Constitution above written.

Attest.

J. J. HOOPER,
Secretary.

Texas: Thomas N. Waul, Williamson S. Oldham, John Gregg, John H. Reagan, W. B. Ochiltree, John Hemphill, Louis T. Wigfall.

A RESOLUTION accepting the appropriation of $500,000, made by the General Assembly of the State of Alabama.

1. *Resolved by the Confederate States of America in Congress assembled*, That this Congress accept the liberal offer of the General Assembly of the State of Alabama, to place at the disposal of this body the sum of $500,000, as a loan to the Government of the Confederacy now being formed.

2. *Resolved by the authority aforesaid*, That this Congress place the highest appreciation upon this generous, patriotic, and considerate action of the State of Alabama, and realize in it the zealous devotion of the people of that State to the cause of "Southern independence."

Adopted February 8, 1861.

A RESOLUTION in regard to the State of North Carolina, and the commissioners from said State to this Congress.

Whereas, the people of North Carolina and those of the States represented in this Congress have a common history, a common sympathy, a common honor, and a common danger; and whereas, it is the opinion and earnest desire of this Congress that the State of North Carolina should be united in government with these States:

Be it therefore resolved, That this Congress received with pleasure the commissioners from the State of North Carolina, and hope to pursue such a course of action as shall commend itself to and induce the State of North Carolina speedily to unite in our councils and in such government as shall be formed by these States.

Adopted February 8, 1861.

SATURDAY, *February 9, 1861.**

OPEN SESSION.

Congress met pursuant to adjournment.

An appropriate prayer was offered up by the Rev. Dr. Basil Manly.

The chair announced that the first business in order was the administration of the oath to the deputies to support the Constitution of the Provisional Government.

Whereupon, Judge Richard W. Walker, of the supreme court of the State of Alabama, administered the oath to the president, and the president administered the oath to the members of Congress.

The oath thus taken was as follows:

You do solemnly swear that you will support the Constitution for the Provisional Government of the Confederate States of America, so help you God.

At the suggestion of Mr. Memminger, while the oath was being administered all the members stood upon their feet.

* * * * * * *

The Congress then proceeded to the election of a President and a Vice-President for the Provisional Government.

Mr. Curry moved that two tellers be appointed to conduct said election; which was agreed to.

Whereupon the president appointed Mr. Curry and Mr. Miles as tellers.

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*From Journal of the Provisional Congress.

The vote being taken by States for President, the Hon. Jefferson Davis, of Mississippi, received all the votes cast, being 6, and was duly declared unanimously elected President of the Provisional Government.

On motion of Mr. Toombs, a committee of three was appointed to inform Mr. Davis of his election.

Whereupon the president appointed Mr. Toombs, Mr. Rhett, and Mr. Morton.

The vote was then taken by States for Vice-President, and the Hon. Alexander Hamilton Stephens, of Georgia, received all the votes cast, being 6, and he was duly declared unanimously elected Vice-President of the Provisional Government.

Mr. Perkins moved that a committee of three be appointed to inform Mr. Stephens of his election; which was agreed to.

And the president appointed Mr. Perkins, Mr. Harris, and Mr. Shorter.

Congress then adjourned till Monday next at 11 o'clock.

AN ACT to continue in force certain laws of the United States of America.

Be it enacted by the Confederate States of America in Congress assembled, That all the laws of the United States of America in force and in use in the Confederate States of America on the 1st day of November last, and not inconsistent with the Constitution of the Confederate States, be, and the same are hereby, continued in force until altered or repealed by the Congress.

Adopted February 9, 1861.

MONTGOMERY, ALA., *February 9, 1861.*

Hon. JEFFERSON DAVIS,
Jackson:

SIR: We are directed to inform you that you were this day unanimously elected President of the Provisional Government of the Confederate States of America, and to request you to come to Montgomery immediately. We send also a special messenger. Do not wait for him.

R. TOOMBS.
R. BARNWELL RHETT.
JACKSON MORTON.

MONTGOMERY, ALA., *February 9, 1861.*

Hon. ALEXANDER H. STEPHENS:

SIR: The Congress for the Provisional Government for the Confederate States of America have this day unanimously elected you to the office of Vice-President of the Confederate States, and we have been appointed to communicate the fact, and to respectfully invite your acceptance. In performing this pleasing duty, allow us to express the hope that you will accept, and we beg to suggest that it would be most agreeable to the body we represent, as you are a member of the Congress, that you should signify to it in person your con-

sent to serve the country in the high position to which you have been called.

We have the honor to be, very respectfully, yours,

JOHN PERKINS, JR.
W. P. HARRIS.
JNO. GILL SHORTER.

[FEBRUARY 12, 1861.—For resolution of Confederate Congress in relation to the occupation of the forts, arsenals, &c., see Series I, Vol. I, p. 254.]

EXECUTIVE DEPARTMENT,
Tallahassee, February 13, 1861.

Hon. T. J. EPPES,
President of the Senate:

SIR: Since communicating informally the telegrams received last night from Montgomery, the additional dispatch has been handed me of a later date. In view of the fact that a permanent government will soon be organized, it is important that provision should be made for the representation of Florida therein, and I submit to the General Assembly the propriety of electing Senators at once, without subjecting the State to the expense of an extra session of the Legislature for that purpose.

M. S. PERRY.

AN ACT to continue in office the officers connected with the collection of the customs in the Confederate States of America.

Be it enacted by the Confederate States of America in Congress assembled, That the several officers who, at the time of the adoption of the Constitution of the Provisional Government of these States, held and exercised any office connected with the collection of the customs, duties, and imposts in the several States of this Confederacy, or as assistant treasurers intrusted with keeping the moneys arising therefrom, are hereby appointed to the several offices which at the said date they respectively held; and they shall have the same powers, be subject to the same duties, and be entitled to the same salaries, fees, and emoluments as are set forth and provided in and by the laws of the United States of America, until the 1st day of April next: *Provided*, That the maximum of compensation which each collector shall receive from all sources shall not exceed the rate of $5,000 per annum.

SEC. 2. Each collector so appointed shall, within two weeks from the date of this act, execute to the Confederate States of America a bond in the same amount and subject to a like condition with his last bond to the United States of America, with sureties to be approved by a judge of any superior or circuit court of the State where such collector is located. And each of the other officers shall, within one week after the collector shall have entered upon the discharge of his duties, execute to the Confederate States of America a bond in the same amount and subject to the like condition with his last bond to the United States of America (in case he was required to execute a

bond), with sureties to be approved by the collector of the port where such office is located.

SEC. 3. The said several officers shall take an oath before a magistrate well and faithfully to discharge the duties of his office and to support the Constitution of the Provisional Government of the Confederate States of America, which said oath shall be indorsed upon the bond, and the bond shall be filed in the office of the Secretary of the Treasury, or in such other place as he may direct.

Adopted February 14, 1861.

A RESOLUTION for the appointment of commissioners to the Government of the United States of America.

Resolved by the Confederate States of America in Congress assembled, That it is the sense of this Congress that a commission of three persons be appointed by the President elect, as early as may be convenient after his inauguration, and sent to the Government of the United States of America, for the purpose of negotiating friendly relations between that Government and the Confederate States of America, and for the settlement of all questions of disagreement between the two Governments upon principles of right, justice, equity, and good faith.

Adopted February 15, 1861.

MONDAY, *February 18, 1861.**

SECRET SESSION.

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At 1 p. m. the President elect of the Confederate States of America, escorted by the Vice-President and the committee of arrangements, appeared within the hall of Congress, and was escorted to the chair, supported on his right by the Vice-President and on his left by the president of Congress.

On motion of Mr. Chilton, the Congress then repaired, in company with the President elect, to the front of the Capitol for the purpose of inaugurating the President.

The president of the Congress presented the President elect to the Congress.

The Rev. Dr. Basil Manly, as chaplain of the day, offered prayer.

The President elect then delivered his inaugural address, after which the oath of office was administered to him by the president of the Congress.

On motion of Mr. Chilton, the Congress returned to its hall, accompanied by the President of the Confederate States.

On motion of Mr. Chilton, it was ordered that the inaugural address of the President be spread upon the journal of this body, and that 5,000 copies thereof be printed for the use of the Congress.

And then the Congress adjourned.

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* From Journal of the Provisional Congress.

TUESDAY, *February 19, 1861.**

OPEN SESSION.

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The inaugural address of the President was received, spread upon the journal, and is as follows:

Gentlemen of the Congress of the Confederate States of America:

FRIENDS AND FELLOW-CITIZENS: Called to the difficult and responsible station of Chief Executive of the Provisional Government which you have instituted, I approach the discharge of the duties assigned to me with an humble distrust of my abilities, but with a sustaining confidence in the wisdom of those who are to guide and to aid me in the administration of public affairs, and an abiding faith in the virtue and patriotism of the people. Looking forward to the speedy establishment of a permanent government to take the place of this, and which, by its greater moral and physical power, will be better able to combat with the many difficulties which arise from the conflicting interests of separate nations, I enter upon the duties of the office to which I have been chosen with a hope that the beginning of our career as a confederacy may not be obstructed by hostile opposition to our enjoyment of the separate existence and independence which we have asserted, and, with the blessing of Providence, intend to maintain. Our present condition, achieved in a manner unprecedented in the history of nations, illustrates the American idea that governments rest upon the consent of the governed, and that it is the right of the people to alter or abolish governments whenever they become destructive of the ends for which they were established. The declared purpose of the compact of the Union from which we have withdrawn was "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity;" and when, in the judgment of the sovereign States now composing this Confederacy, it had been perverted from the purposes for which it was ordained, and had ceased to answer the ends for which it was established, a peaceful appeal to the ballot box declared that, so far as they were concerned, the Government created by that compact should cease to exist. In this they merely asserted a right which the Declaration of Independence of 1776 had defined to be inalienable; of the time and occasion for its exercise they, as sovereigns, were the final judges, each for itself. The impartial and enlightened verdict of mankind will vindicate the rectitude of our conduct, and He who knows the hearts of men, will judge of the sincerity with which we labored to preserve the Government of our fathers in its spirit. The right solemnly proclaimed at the birth of the States, and which has been affirmed and reaffirmed in the bills of rights of States subsequently admitted into the Union of 1789, undeniably recognize in the people the power to resume the authority delegated for the purposes of government. Thus the sovereign States here represented proceeded to form this Confederacy, and it is by abuse of language that their act has been denominated a revolution. They formed a new alliance, but within each State its government has remained; the rights of person and property have not been disturbed. The agent through whom they communicated with foreign nations is changed, but this does not necessarily interrupt their international relations.

Sustained by the consciousness that the transition from the former Union to the present Confederacy has not proceeded from a disregard on our part of just obligations or any failure to perform every constitutional duty; moved by no interest or passion to invade the rights of others; anxious to cultivate peace and commerce with all nations, if we may not hope to avoid war, we may at least expect that posterity will acquit us of having needlessly engaged in it. Doubly justified by the absence of wrong on our part, and by wanton aggression on the part of others, there can be no cause to doubt that the courage and patriotism of the people of the Confederate States will be found equal to any measures of defense which honor and security may require.

An agricultural people, whose chief interest is the export of a commodity required in every manufacturing country, our true policy is peace, and the freest trade which our necessities will permit. It is alike our interest and that of all those to whom we would sell and from whom we would buy that there should be the fewest practicable restrictions upon the interchange of commodities. There can be but little rivalry between ours and any manufacturing or navigating community, such as the Northeastern States of the American Union. It must follow,

* From Journal of the Provisional Congress.

therefore, that a mutual interest would invite good will and kind offices. If, however, passion or the lust of dominion should cloud the judgment or inflame the ambition of those States, we must prepare to meet the emergency and to maintain by the final arbitrament of the sword the position which we have assumed among the nations of the earth. We have entered upon the career of independence, and it must be inflexibly pursued. Through many years of controversy with our late associates, the Northern States, we have vainly endeavored to secure tranquillity and to obtain respect for the rights to which we were entitled. As a necessity, not a choice, we have resorted to the remedy of separation; and henceforth our energies must be directed to the conduct of our own affairs and the perpetuity of the confederacy which we have formed. If a just perception of a mutual interest shall permit us peaceably to pursue our separate political career, my most earnest desire will have been fulfilled. But if this be denied to us, and the integrity of our territory and jurisdiction be assailed, it will but remain for us, with firm resolve, to appeal to arms and invoke the blessings of Providence on a just cause.

As a consequence of our new condition, and with a view to meet anticipated wants, it will be necessary to provide for the speedy and efficient organization of branches of the Executive Department, having special charge of foreign intercourse, finance, military affairs, and the postal service.

For purposes of defense the Confederate States may, under ordinary circumstances, rely mainly upon their militia, but it is deemed advisable in the present condition of affairs that there should be a well-instructed and disciplined army, more numerous than would usually be required on a peace establishment. I also suggest that, for the protection of our harbors and commerce on the high seas, a navy adapted to those objects will be required. These necessities have doubtless engaged the attention of Congress.

With a Constitution differing only from that of our fathers in so far as it is explanatory of their well-known intent, freed from the sectional conflicts which have interfered with the pursuit of the general welfare, it is not unreasonable to expect that States from which we have recently parted may seek to unite their fortunes with ours under the Government which we have instituted. For this your Constitution makes adequate provision; but beyond this, if I mistake not the judgment and will of the people, a reunion with the States from which we have separated is neither practicable nor desirable. To increase the power, develop the resources, and promote the happiness of a confederacy, it is requisite that there should be so much of homogeneity that the welfare of every portion shall be the aim of the whole. Where this does not exist antagonisms are engendered, which must and should result in separation.

Actuated solely by the desire to preserve our own rights and promote our own welfare, the separation of the Confederate States has been marked by no aggression upon others, and followed by no domestic convulsion. Our industrial pursuits have received no check, the cultivation of our fields has progressed as heretofore, and even should we be involved in war, there would be no considerable diminution in the production of the staples which have constituted our exports, and in which the commercial world has an interest scarcely less than our own. This common interest of the producer and consumer can only be interrupted by an exterior force which should obstruct its transmission to foreign markets—a course of conduct which would be as unjust toward us as it would be detrimental to manufacturing and commercial interests abroad. Should reason guide the action of the Government from which we have separated, a policy so detrimental to the civilized world, the Northern States included, could not be dictated by even the strongest desire to inflict injury upon us; but otherwise a terrible responsibility will rest upon it, and the suffering of millions will bear testimony to the folly and wickedness of our aggressors. In the meantime there will remain to us, besides the ordinary means before suggested, the well-known resources for retaliation upon the commerce of the enemy.

Experience in public stations of subordinate grade to this, which your kindness has conferred, has taught me that care, and toil, and disappointment are the price of official elevation. You will see many errors to forgive, many deficiencies to tolerate, but you shall not find in me either a want of zeal or fidelity to the cause that is to me highest in hope and of most enduring affection. Your generosity has bestowed upon me an undeserved distinction; one which I neither sought nor desired. Upon the continuance of that sentiment, and upon your wisdom and patriotism, I rely to direct and support me in the performance of the duty required at my hands.

We have changed the constituent parts but not the system of our Government. The Constitution formed by our fathers is that of these Confederate States, in their exposition of it; and in the judicial construction it has received we have a light which reveals its true meaning.

Thus instructed as to the just interpretation of the instrument, and ever remembering that all offices are but trusts held for the people, and that delegated powers are to be strictly construed, I will hope, by due diligence in the performance of my duties, though I may disappoint your expectations, yet to retain, when retiring, something of the good will and confidence which welcome my entrance into office.

It is joyous, in the midst of perilous times, to look around upon a people united in heart, where one purpose of high resolve animates and actuates the whole; where the sacrifices to be made are not weighed in the balance against honor, and right, and liberty, and equality. Obstacles may retard, they cannot long prevent, the progress of a movement sanctified by its justice and sustained by a virtuous people. Reverently let us invoke the God of our fathers to guide and protect us in our efforts to perpetuate the principles which, by His blessing, they were able to vindicate, establish, and transmit to their posterity, and with a continuance of His favor ever gratefully acknowledged, we may hopefully look forward to success, to peace, and to prosperity.

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AN ACT to provide for munitions of war, and for other purposes.

SEC. 1. *Be it enacted by the Confederate States of America in Congress assembled*, That the President, or the Secretary of War under his direction, is hereby authorized and empowered to make contracts for the purchase and manufacture of heavy ordnance and small arms; and of machinery for the manufacture or alteration of small-arms and munitions of war, and to employ the necessary agents and artisans for these purposes; and to make contracts for the establishment of powder mills and the manufacture of powder; and the President is authorized to make contracts provided for in this act, in such manner and on such terms as in his judgment the public exigencies may require.

Approved February 20, 1861.

AN ACT to establish the War Department.

The Congress of the Confederate States of America do enact, That an executive department be, and the same is hereby, established, under the name of the War Department, the chief officer of which shall be called the Secretary of War.

SEC. 2. *Be it further enacted*, That said Secretary shall, under the direction and control of the President, have charge of all matters and things connected with the Army, and with the Indian tribes within the limits of the Confederacy, and shall perform such duties appertaining to the Army, and to said Indian tribes, as may from time to time be assigned to him by the President.

SEC. 3. *And be it further enacted*, That the Secretary of said Department is hereby authorized to appoint a chief clerk thereof, and as many inferior clerks as may be found necessary and may be authorized by law.

Approved February 21, 1861.

MONTGOMERY, ALA., *February 21, 1861.*

Capt. R. SEMMES:

DEAR SIR: As agent of the Confederate States you are authorized to proceed, as hereinafter set forth, to make purchases and contracts for machinery and munitions, or for the manufacture of arms and

munitions of war. Of the proprietor of the Hazard Powder Company, in Connecticut, you will probably be able to obtain cannon and musket powder, the former to be of the coarsest grain, and also to engage with him for the establishment of a powder mill at some point in the limits of our territory. The quantity of powder to be supplied immediately will exceed his stock on hand, and the arrangement for further supply should, if possible, be by manufacture in our own territory. If this is not practicable, means must be sought for further shipments from any and all sources which are reliable. At the arsenal at Washington you will find an artificer named Wright, who has brought the cap-making machine to its present state of efficiency, and who might furnish a cap machine and accompany it to direct its operations. If not in this, I hope you may in some way be able to obtain a cap machine with little delay, and have it sent to the Mount Vernon Arsenal, Ala. We shall require a manufactory of friction-primers, and will, if possible, induce some capable person to establish one in our country. The demand of the Confederate States will be the inducement in this as in the case of the powder mill proposed. A short time since the most improved machinery for the manufacture of rifles, intended for the Harper's Ferry Arsenal, was, it was said, for sale by the manufacturer. If it be so at this time, you will procure it for this Government, and use the needful precaution in relation to its transportation. Mr. Barbour, the superintendent of the Harper's Ferry Armory, can give you all the information in that connection which you may require. Mr. Ball, the master armorer at Harper's Ferry, is willing to accept service under our Government, and could probably bring with him some skilled workmen. If we get the machinery this will be important. Machinery for grooving muskets and heavy guns, with persons skilled in their use, is, I hope, to be purchased ready-made. If not, you will contract for their manufacture and delivery. You will endeavor to obtain the most improved shot for rifled cannon, and persons skilled in the preparation of shot and other fixed ammunition. Capt. G. W. Smith and Captain Lovell, late of the U. S. Army, and now of New York City, may aid you in your task; and you will please say to them that we would be happy to have their services in our army. You will make such inquiries as your varied knowledge will suggest in relation to the supply of guns of different calibers, especially the largest. I suggest the advantage, if to be obtained, of having a few of the 15-inch guns like the one cast at Pittsburg. I have not sought to prescribe so as to limit your inquiries, either as to object or place, but only to suggest for your reflection and consideration the points which have chanced to come under my observation. You will use your discretion in visiting places where information of persons or things is to be obtained for the furtherance of the object in view. Any contracts made will be sent to the Hon. L. P. Walker, Secretary of War, for his approval, and the contractor need not fear that delay will be encountered in the action of this Government.

Very respectfully, yours, &c.,

JEFFERSON DAVIS.

SELMA, ALA., *February 22, 1861.*

Messrs. ROBERT H. SMITH and COLIN J. MCRAE:

GENTLEMEN: As our immediate representatives in the Congress of the Confederate States of America, we write you in regard to the purchase of the Selma Manufacturing Company as an armory for the

manufacture of arms and ordnance for the use of the Confederacy. We inclose a map* showing the situation and plan of the works, and of the buildings connected with the establishment, and also a statement in detail of the machinery, forges, furnaces, engines, and other appurtenances of the works, marked A, to which we refer you for particulars. These works are now in complete order, and could at once be converted into the manufacture of cannon. They have been put up at a cost of near $75,000, but the undersigned are willing to dispose of them to the Confederacy for the sum of $40,000, reserving a part of the ground not essential to the works. The peculiar advantages of Selma for the location of an armory are well known to all acquainted with its geographical position. It is now connected by railroad and river with the great arteries of travel from South to North, and looking to the early completion of the Alabama and Tennessee River Railroad, and the Alabama and Mississippi River Railroad, it will soon be the center from which will diverge, in all directions, railroad connections with the Northern, Southern, Eastern, and Western States of our Confederacy. Selma is also most fortunately situated with regard to the means of manufacturing in iron. The coal beds of Bibb and Shelby are only fifty-four miles distant, and are immediately upon the Alabama and Tennessee River Railroad, from whence inexhaustible supplies of fuel can be obtained more conveniently and cheaper than at any other point in the Confederacy, while iron ore of the best quality, equaling that of Russia and Sweden, can be had by the same railroad from the iron mines of Shelby and Bibb Counties, distant about sixty miles. We trust that it is not necessary to enumerate in detail the many and varied advantages in favor of Selma as the proper point for the establishment of a public armory. Many additional reasons will readily present themselves to your minds, and we only beg in this communication to call your attention, and through you the attention of Congress, to some of the more prominent advantages of our petition. It will give us much pleasure further to aid any committee that may be placed in charge of the subject, and to respond to any inquiries that may be deemed necessary to bring the subject properly to their minds.

Yours, very respectfully,

EDWARD T. WATTS.
R. N. PHILPOT.
JOS. M. LAPSLEY.

[Inclosure.]

A.

Size of lot, four acres, lying on two streets and Alabama and Tennessee River Railroad 100 yards from the Alabama River. Building as set forth in the drawing, brick and iron, nearly all fireproof. The molding building is the largest and best in the State; has a pit and cupola ready to cast cannon, shot, or shell at once; 140 feet of shafting running through the works; four large lathes, two planers, two bolt cutters, and two forges, all in perfect order, run by engine about eighty horsepower, connecting all the machinery or not, as may be required. Water supplied by an artesian well on the premises 500 feet deep. Coal beds fifty-four miles from Selma on the Alabama and Tennessee Railroad; iron beds sixty to seventy miles on and near same road; some of it the best in America and equal to Russia iron. Two railroads already in operation and third progressing, connecting with the Great Northern, Mobile, and Pensacola Railroads.

*Not found.

MONTGOMERY, ALA., *February 23, 1861.*

PRESIDENT OF THE STATE CONVENTION OF FLORIDA,
At Tallahassee:

The undersigned deputies from the State of Florida to the convention of seceded States begun and held at Montgomery, in Alabama, on the 4th of February, instant, beg leave to submit to the convention over which you preside the following explanation:

Upon the assembling in this city on the 4th of February of the convention to which we were accredited, we met full deputations from the States of South Carolina, Georgia, Alabama, Mississippi, and Louisiana. But one purpose seemed to animate the whole—that of forming at the earliest practicable moment a vigorous and efficient government to meet the exigencies of the times, and to supply the place of the one from which we had lately withdrawn.

In addressing itself to this task the convention (or congress, as it is called here) encountered no difficulty in agreeing upon a basis for the new government. For that basis the Constitution of the United States had been already designated by the respective States. No alteration in the main fundamental principles contained in that instrument was deemed either necessary or desirable. Only such modifications as would best suit it to the present condition of the seceded States was resorted to; but how far these modifications should extend, and of what they should consist, along with very many collateral questions involving to a greater or less extent matters vital to our present condition, constituted subjects of inquiry which were met at every step.

Before the Congress had advanced to a completion of its preliminary labors, to wit, on the 8th of February, we received through the mail a certified copy of a resolution passed by your body on the 17th of January, instructing us "to oppose any attempt on the part of the Southern convention to legislate or transact any business whatsoever other than the adoption of a provisional government to be substantially on the basis of the Constitution of the late United States, and a permanent constitution for the Southern Confederacy upon the same basis, and that in the event of the said (Southern) convention undertaking, on any pretext whatsoever, to exercise any powers other than that above enumerated," we were "instructed to protest against the same, and to declare in behalf of the State of Florida that such acts would not be binding on our State."

Not having been present in the State convention when this resolution was passed, and never having learned from any source the motives by which the convention was actuated in its adoption, we were forced to conclude that it was done, in the abundance of caution, to prevent the usurpation of powers which might prove detrimental to the interests of our State, and not with a view of placing Florida in an attitude before her sister seceded States of attempting to dictate to them any special policy of her own, to the exclusion of that which a majority might think best. It appeared to your delegates that the necessity for some legislation might arise before either a provisional or permanent constitution could be adopted. For a body of men to get together from distant sections of the country, and to agree in a few days to a constitution for their government, every detail and provision of which would be likely to bear upon their diversified interests, would have been wonderful, if not miraculous. The exigencies of the times admitted of but little if any delay. The Governor of one of the

States had made a demand upon the President of the United States for the delivery of a fortress which was in the possession of Federal forces. Upon refusal by the President to deliver the fort as demanded it was naturally anticipated that an attempt to enforce it would be made. Highly irritated (and justly, too) at the perfidious conduct of the Federal Government, the Chief Executive of South Carolina could with difficulty restrain her gallant sons from making an assault which would have purchased the fort at the price of much of the best and noblest blood of the South. A condition of things very similar to this existed at Pensacola, in our own State, with this additional cause for prompt action on the part of the Congress, viz, that re-enforcements were daily expected at Pensacola which would make not only the capture of Fort Pickens a work of difficult undertaking on our part, but which threatened a recapture of the places in our possession. In this condition of things your delegates did not hesitate to put a liberal construction upon the terms of the resolution referred to.

To have refused to "transact any business" connected with this condition of affairs, or to have protested against any action by the Congress at Montgomery looking to the immediate protection of the people of Florida, even before the formation of a provisional government, we felt constrained to believe would not have met with your approval. We did not hesitate, therefore, to co-operate with the delegates from the other seceded States in any and every measure looking to a speedy preparation for common defense and to the avoidance of unnecessary bloodshed. Amongst the first duties, however, to which the Congress addressed itself was the adoption of a constitution for a provisional government. This necessarily occupied several days. The plan proposed, and which met the approval of a majority of the States, was the one finally adopted, and under which we are now living. By one of its provisions the deputies assembled for its formation constitute the legislative branch of the Provisional Government. As this seemed not to have been anticipated by the State convention of Florida, your delegates voted against it, but were only sustained in that opposition by the vote of the State of Mississippi. We so voted in obedience to the letter of your instructions, yet we cannot well see how even a provisional government could have been formed without it which would have met the crisis. To have called upon the States to elect and send up senators and representatives to constitute the legislative branch of a government which was merely provisional and was to be soon superseded would have caused delay which might have proved disastrous, to say nothing of the expense and trouble to the people attending such an election. Your delegates therefore cheerfully acquiesced in the decision of two-thirds of our sister States, and proceeded at once to assume the duties and responsibilities involved in their new situation. To a faithful discharge of our duties under that constitution we are urgently constrained by a proper sense of obligation to our State and by the sanction of our solemn oaths. The momentous issues at stake furnish the apology for our course.

Relying upon your generous confidence for support, and confident of the final triumph of the cause of our section, we are, very respectfully, your obedient servants,

J. PATTON ANDERSON.
JACKSON MORTON.
JAS. B. OWENS.

AN ACT to declare and establish the free navigation of the Mississippi River.

The Congress of the Confederate States of America do enact, That the peaceful navigation of the Mississippi River is hereby declared free to the citizens of any of the States upon its borders, or upon the borders of its navigable tributaries; and all ships, boats, rafts, or vessels may navigate the same, under such regulations as may be established by authority of law, or under such police regulations as may be established by the States within their several jurisdictions.

SEC. 2. *Be it further enacted*, All ships, boats, or vessels which may enter the waters of the said river within the limits of this Confederacy, from any port or place beyond the said limits, may freely pass with their cargoes to any other port or place beyond the limits of this Confederacy without any duty or hindrance, except light money, pilotage, and other like charges; but it shall not be lawful for any such ship, boat, or vessel to sell, deliver, or in any way to dispose of any part of her cargo or land any portion thereof for the purpose of sale and delivery within the limits of this Confederacy; and in case any portion of such cargo shall be sold or delivered, or landed for that purpose, in violation of the provisions of this act, the same shall be forfeited, and shall be seized and condemned by a proceeding in admiralty before the court having jurisdiction of the same in the district in which the same may be found; and the ship, boat, or vessel shall forfeit four times the amount of the value of the duties chargeable on the said goods, wares, or merchandise so landed, sold, or disposed of in violation of the provisions of this act, to be recovered by a proper proceeding in admiralty before the said court in the district in which such ship, boat, or vessel may be found, one-half for the use of the collector of the district who shall institute and conduct such proceeding, the other half for the use of the Government of the Confederate States: *Provided*, That if any such ship, boat, or vessel shall be stranded, or from any cause become unable to proceed on its voyage, the cargo thereof may be landed and the same may be entered at the nearest port of entry, in the same manner as goods, wares, and merchandise regularly consigned to said port; and the person so entering the same shall be entitled to the benefit of drawback of duties or of warehousing said goods, wares, and merchandise as provided by law in other cases.

SEC. 3. *And be it further enacted*, If any person having the charge of or being concerned in the transportation of any goods, wares, or merchandise upon the said river shall, with intent to defraud the revenue, break open or unpack, within the limits of the Confederate States, any part of the merchandise entered for transportation beyond the said limits, or shall exchange or consume the same, or with like intent shall break or deface any seal or fastening placed thereon by any officer of the revenue, or if any person shall deface, alter, or forge any certificate granted for the protection of merchandise transported as aforesaid, each and every person so offending shall forfeit and pay $500, and shall be imprisoned not less than one nor more than six months, at the discretion of the court before which such person shall be convicted.

SEC. 4. *Be it further enacted*, In case any ship, boat, or vessel shall enter the waters of the said river within the limits of the Confederate States, having on board any goods, wares, or merchandise subject to the payment of duties, and the master, consignee, or owner shall desire to land the same for sale or otherwise, it shall be lawful to

enter the said goods, wares, and merchandise at any port of entry in the same manner as goods, wares, or merchandise regularly consigned to the said port, or to forward them under bond or seal according to the regulations customary in such cases when consigned to any port or place beyond the limits of this Confederacy, and on payment of the duties on said goods to obtain from the collector a license to land the same at any point on the river; and when goods, wares, or merchandise shall be entered as aforesaid, the owner, importer, or consignee shall be entitled to the benefit of drawback of duties or of warehousing the said goods, wares, and merchandise, as is provided by law, upon complying with all the laws and regulations which apply to cases of entry for drawback or warehousing, respectively.

SEC. 5. *Be it further enacted*, When any such ship, boat, or vessel, having on board goods, wares, and merchandise subject to the payment of duties, as set forth in the fourth section, shall arrive at the first port of her entry of the Confederate States, the master or person in command of such ship, boat, or vessel shall, before he pass the said port, and immediately upon his arrival, deposit with the collector a manifest of the cargo on board subject to the payment of duties, and the said collector shall, after registering the same, transmit it, duly certified to have been deposited, to the officer with whom the entries are to be made; and the said collector may, if he judge it necessary for the security of the revenue, put an inspector of the customs on board any such ship, boat, or vessel, to accompany the same until her arrival at the first port of entry to which her cargo may be consigned; and if the master or person in command shall omit to deposit a manifest as aforesaid, or refuse to receive such inspector on board, he shall forfeit and pay $500, with costs of suit, one-half to the use of the officer with whom the manifest should have been deposited, and the other half to the use of the collector of the district to which the vessel was bound: *Provided*, *however*, That until ports of entry shall be established above the city of Vicksburg, on the Mississippi River, the penalties of this act shall not extend to the delivery of goods above that port by vessels or boats descending said river.

Approved February 25, 1861.

DECATUR, *February 25, 1861.*

Hon. G. W. CRAWFORD,
President, &c., Bel Air:

SIR: The original commission duly issued by you having been miscarried, I received a duplicate on the 7th instant. In the meantime I had seen a statement that the Legislature of Kentucky, to which I was accredited, would adjourn on the 6th instant. When I received your commission the State railroad, over which I must go to Kentucky, was, owing to extreme damage caused by recent heavy rains, impassable. I left home on the 13th instant and reached Frankfort, Ky., on the 15th instant. I learned that the Legislature did not adjourn until the 11th instant. No convention having been called in the absence of the Legislature, I addressed myself to the Governor of Kentucky. Having given me a frank and cordial reception, he expressed much regret that I had not arrived in time to make known my mission to the Legislature, as he thought it probable that I might have prevailed to induce the convocation of a State convention. Referring His Excellency to the recent vote in Tennessee, through

which I had just passed, I suggested that perhaps much had been gained to the cause of the South by the necessary postponement of that question in his State until the meeting of the Legislature, as by that time, perhaps, those who had been sent to Washington by the border slave States would probably learn that the elements of security, if not of peace, were to be found within and not without their own borders. The more recent action of Missouri and Arkansas has not tended to impair my confidence in this suggestion. His Excellency informed me that he would make known to the Legislature, when reassembled on the 20th of March next, my mission and its purpose. I remained in the seat of government—Frankfort—four days, during which I was admitted to free intercommunications with Governor Magoffin, and he has placed me under acknowledgments for many courtesies and civilities during my sojourn at Frankfort. I reached this [place] on my return from Kentucky on the 23d instant.

I have the honor to be, very respectfully, your very obedient servant,

W. C. DANIELL.

WEST POINT, N. Y., *February 25, 1861.*

Colonel BEAUREGARD,
Engineers:

MY DEAR SIR: Your cadet friends (Messrs. Olivier, Frost, and myself), whom you were kind enough to advise while at the Point not long since, have resolved, relying upon your kindly consideration, to impose a still greater tax upon your kindness by endeavoring to induce you to favor us with more advice. The avowed policy of Mr. Lincoln's Administration is to collect the revenues as formerly and to deny the sovereignty of the Southern Confederacy, which will doubtless lead to immediate war. Now, my dear sir, would it be better for us to wait for this contingency and apply to the Southern Congress for duty and orders, or to apply directly and immediately to the Governor of our State, offering ourselves for duty? Your opinion on this matter would be gratefully received by us, and your impressions respecting the chances of a war, the probabilities of our being able to secure good positions in the service, either of the State or the Southern Confederacy, and any information as to the present status of our State army, its organization, &c., would relieve us of much inquietude and place us under lasting obligations.

With much anxiety as to your response, I am, sir, respectfully, your obedient servant,

L. D. SANDIDGE,
Cadet.

EXECUTIVE OFFICE,
February 26, 1861.

GENTLEMEN OF THE CONGRESS:

Though the General Government of the Confederate States is specially charged with the questions arising from the present condition of Forts Sumter and Pickens, and the Executive is required by negotiation or other means to obtain possession of those works, and though the common defense and the issues of peace or war of the Confederate States must necessarily be conducted by their general agents, the only material of war which we possess is held by the

authorities of the several States. To distribute the arms and munitions so as best to provide for the defense of the country, it is needful that they be placed under the control of the General Government. We have now but little information as to the quantity and quality of the military supplies on hand, and have no authority to call for returns from the officers of the States. The courtesy and patriotism of the respective Governors would no doubt willingly meet such inquiry, and would probably induce them to transfer either armament or stores in compliance with a requisition from this Government, but efficiency requires the exclusive control as well of the means as of the works of defense. The General Government being also charged with foreign intercourse, may have in the course of negotiation to account for the property of the United States which, as a consequence of secession, passed under the authority of the several States anterior to the formation of this Government. For these considerations I respectfully suggest that the proper legislation be adopted to secure the transfer of all arms and munitions now in the forts, arsenals, and navy-yards to the custody of the Government of the Confederate States, and that full returns be made of all arms and munitions which have been distributed from the public stores to the troops of the several States, with authority to this Government to take charge of the accountability for them, and also to receive, to be accounted for to the several States, such arms and munitions as have been purchased by them, and which they are willing to devote to the common service of the Confederacy. The difficulty of supplying our wants in that regard by purchases abroad or by manufacture at home is well known to the Congress, and will render unnecessary an argument to enforce the general policy herein presented, and I have only respectfully to commend the subject to your consideration.

JEFF'N DAVIS.

AN ACT for the establishment and organization of a general staff for the Army of the Confederate States of America.

The Congress of the Confederate States of America do enact, That from and after the passing of this act the general staff of the Army of the Confederate States shall consist of an Adjutant and Inspector General's Department, Quartermaster-General's Department, Subsistence Department, and the Medical Department.

SEC. 2. *Be it further enacted*, That the Adjutant and Inspector General's Department shall consist of one Adjutant and Inspector General, with the rank of colonel; four assistant adjutants-general, with the rank of major, and four assistant adjutants-general, with the rank of captain.

SEC. 3. *Be it further enacted*, That the Quartermaster-General's Department shall consist of one Quartermaster-General, with the rank of colonel; six quartermasters, with the rank of major; and as many assistant quartermasters as may from time to time be required by the service may be detailed by the War Department from the subalterns of the line, who, in addition to their pay in the line, shall receive $20 per month while engaged in that service. The quartermasters herein provided for shall also discharge the duties of paymasters, under such regulations as may be prescribed by the Secretary of War.

SEC. 4. *Be it further enacted*, That the Commissary-General's Department shall consist of one Commissary-General, with the rank of

colonel; four commissaries, with the rank of captain; and as many assistant commissaries as may from time to time be required by the service may be detailed by the War Department from the subalterns of the line, who, in addition to their pay in the line, shall receive $20 per month while engaged in that service. The assistant quartermasters and assistant commissaries shall be subject to duties in both departments at the same time, but shall not receive the additional compensation but in one department.

SEC. 5. *Be it further enacted*, That the Medical Department shall consist of one Surgeon-General, with the rank of colonel; four surgeons, with the rank of major, and six assistant surgeons, with the rank of captain; and as many assistant surgeons as the service may require may be employed by the Department of War, and receive the pay of assistant surgeons.

SEC. 6. *Be it further enacted*, That the officers of the Adjutant-General's, Quartermaster-General's, and Commissary-General's Departments, though eligible to command, according to the rank they hold in the Army of the Confederate States of America, shall not assume command of troops unless put on duty under orders which specially so direct by authority of the President. The officers of the Medical Department shall not exercise command except in their own department.

SEC. 7. *Be it further enacted*, That the staff officers herein provided for shall be appointed by the President, by and with the advice and consent of the Congress, and shall receive such pay and allowances as shall be hereafter established by law.

Approved February 26, 1861.

[FEBRUARY 27, 1861.—For appointment of Crawford, Forsyth, and Roman, as special commissioners of the Confederate States to the United States, see Series I, Vol. LI, Part II, p. 8.]

EXECUTIVE DEPARTMENT,
February 28, 1861.

GENTLEMEN OF CONGRESS:

With sincere deference to the judgment of Congress, I have carefully considered the bill in relation to the slave-trade, and to punish persons offending therein, but have not been able to approve it, and therefore do return it with a statement of my objections. The Constitution (section 7, article I) provides that the importation of African negroes from any foreign country other than slave-holding States of the United States is hereby forbidden, and Congress is required to pass such laws as shall effectually prevent the same. The rule herein given is emphatic, and distinctly directs the legislation which shall effectually prevent the importation of African negroes. The bill before me denounces as high misdemeanor the importation of African negroes or other persons of color, either to be sold as slaves or to be held to service or labor, affixing heavy, degrading penalties on the act, if done with such intent. To that extent it accords with the requirements of the Constitution, but in the sixth section of the bill provision is made for the transfer of persons who may have been illegally imported into the Confederate States to the custody of foreign States or societies, upon condition of deportation and future freedom,

and if the proposition thus to surrender them shall not be accepted, it is then made the duty of the President to cause said negroes to be sold at public outcry to the highest bidder in any one of the States where such sale shall not be inconsistent with the laws thereof. This provision seems to me to be in opposition to the policy declared in the Constitution—the prohibition of the importation of African negroes—and in derogation of its mandate to legislate for the effectuation of that object. Wherefore the bill is returned to you for your further consideration, and, together with the objections, most respectfully submitted.*

JEFF'N DAVIS.

AN ACT to raise money for the support of the Government and to provide for the defense of the Confederate States of America.

The Congress of the Confederate States of America do enact, That the President of the Confederate States be, and he is hereby, authorized, at any time within twelve months after the passage of this act, to borrow, on the credit of the Confederate States, a sum not exceeding $15,000,000, or so much thereof as in his opinion the exigencies of the public service may require, to be applied to the payment of appropriations made by law for the support of the Government and for the defenses of the Confederate States.

SEC. 2. The Secretary of the Treasury is hereby authorized, by the consent of the President of the Confederate States, to cause to be prepared certificates of stock or bonds, in such sums as are hereinafter mentioned, for the amount to be borrowed as aforesaid, to be signed by the Register of the Treasury and sealed with the seal of the Treasury; and the said certificates of stock or bonds shall be made payable at the expiration of ten years from the first day of September next; and the interest thereon shall be paid semi-annually at the rate of 8 per cent. per annum at the Treasury and such other place as the Secretary of the Treasury may designate. And to the bonds which shall be issued as aforesaid shall be attached coupons for the semi-annual interest which shall accrue, which coupons may be signed by officers to be appointed for the purpose by the Secretary of the Treasury. And the faith of the Confederate States is hereby pledged for the due payment of the principal and interest of the said stock and bonds.

SEC. 3. At the expiration of five years from the first day of September next the Confederate States may pay up any portion of the bonds or stocks, upon giving three months' previous public notice, at the seat of government, of the particular stocks or bonds to be paid, and the time and place of payment; and from and after the time so appointed no further interest shall be paid on said stock or bonds.

SEC. 4. The certificates of stock and bonds shall be issued in such form and for such amounts as may be determined by the Secretary of

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*The Journal of the Confederate Congress shows that this veto was sustained. The question was, Shall the bill pass, notwithstanding the President's objections?

Yeas—Messrs. Curry and Chilton, of Alabama; Morton and Owens, of Florida; Toombs, H. Cobb, T. R. R. Cobb, Bartow, Nisbet, and Kenan, of Georgia; Rhett, Barnwell, Keitt, and Miles, of South Carolina; Ochiltree, of Texas—15.

Nays—Messrs. Smith, Hale, Shorter, and Fearn, of Alabama; Wright and Stephens, of Georgia; De Clouet, Conrad, Kenner, Sparrow, and Marshall, of Louisiana; Harris, Brooke, Wilson, Clayton, Barry, and Harrison, of Mississippi; Chesnut, Withers, and Boyce, of South Carolina; Reagan, Waul, Gregg, and Oldham, of Texas—24.

the Treasury, and may be assigned or delivered under such regulations as he may establish; but none of them shall be for a less sum than $50. And he shall report to Congress, at its next session, a statement in detail of his proceedings, and the rate at which the loans may have been made, and all the expenses attending the same.

SEC. 5. From and after the first day of August, 1861, there shall be levied and collected and paid a duty of one-eighth of one cent per pound on all cotton in the raw state exported from the Confederate States, which duty is hereby specially pledged to the due payment of interest and principal of the loan provided for in this act; and the Secretary of the Treasury is hereby authorized and required to establish a sinking fund to carry into effect the provisions of this section: *Provided, however*, That the interest coupons, issued under the second section of this act, when due, shall be receivable in payment of the export duty on cotton: *Provided also*, That when the debt and interest thereon herein authorized to be contracted shall be extinguished, or the sinking fund provided for that purpose shall be adequate to that end, the said export duty shall cease and determine.

Approved February 28, 1861.

AN ACT to raise provisional forces for the Confederate States of America, and for other purposes.

The Congress of the Confederate States of America do enact, That to enable the Government of the Confederate States to maintain its jurisdiction over all questions of peace and war, and to provide for the public defense, the President be, and he is hereby, authorized and directed to assume control of all military operations in every State having reference to or connection with questions between said States, or any of them, and powers foreign to them.

SEC. 2. *And be it further enacted*, That the President is hereby authorized to receive from the several States the arms and munitions of war which have been acquired from the United States, and which are now in the forts, arsenals, and navy-yards of the said States, and all other arms and munitions which they may desire to turn over and make chargeable to this Government.

SEC. 3. *Be it further enacted*, That the President be authorized to receive into the service of this Government such forces now in the service of said States as may be tendered, or who may volunteer, by consent of their State, in such numbers as he may require, for any time not less than twelve months, unless sooner discharged.

SEC. 4. *Be it further enacted*, That such forces may be received, with their officers, by companies, battalions, or regiments, and when so received shall form a part of the Provisional Army of the Confederate States, according to the terms of their enlistment; and the President shall appoint, by and with the advice and consent of Congress, such general officer or officers for said forces as may be necessary for the service.

SEC. 5. *Be it further enacted*, That said forces, when received into the service of this Government, shall have the same pay and allowances as may be provided by law for volunteers entering the service, or for the Army of the Confederate States, and shall be subject to the same rules and government.

Approved February 28, 1861.

RICHMOND, VA., *February 28, 1861.*

Hon. L. P. WALKER,
Secretary of War:

SIR: I have the honor to report that I arrived in Washington, D. C., on the evening of Sunday last, in execution of the orders confided to me by His Excellency the President of the Confederate States. On the next day I sought the artificer, Wright, at the U. S. Arsenal in that city, and had a conference with him on the subject of his percussion-cap machine. This machine, which is patented, and which up to the present time has been in the exclusive use of the United States, cannot be purchased ready made. Wright seemed to be quite willing, however, in my first interview with him, to contract with me for the making of one (the work to be executed in a private shop in Philadelphia, where several have been made for export to Europe), but was, I thought, unreasonable in his demands of compensation. The machine may be made, with all its appurtenances complete, for the sum of $1,450, but he demanded an additional sum of $3,000 for the use of his patent and for his personal superintendence of the manufacture of the machine. On the evening of the same day on which I held this conversation with him at the arsenal he called to see me by appointment, and after some little preliminary conversation said that he would prefer, before entering into any contract with me, to obtain the consent of his commanding officer at the arsenal, as otherwise he might lose his place, which was valuable to him. I had no objection to make to this, of course, as I claimed the right not only to contract with any artisan in the employment of the Government of the United States on any subject of private concern, as was this matter of the patent of a machine, but to induce him by an offer of higher pay to leave his employment and accept service under our Government. He promised to call on me the next day and give me his final answer.

In the mean time, hearing that Major Barbour, superintendent of the Harper's Ferry Armory, with whom I was directed to confer with regard to the purchase of the machinery for making rifles, was in Richmond, in attendance on the State convention, I returned to this place yesterday to meet him, leaving the matter of the contract with Wright in the hands of a friend, whom I directed to offer Wright the sum of $3,000 for one of his machines delivered in Savannah, and further to agree with him that if he would accompany it himself and superintend its working and such other duties of an arsenal as might be assigned to him, we would give him a salary of $1,500 per annum. His present pay is $1,250. On the whole I think it doubtful whether we shall get either the machine or the man. If we do not, I think I shall have no difficulty in purchasing or in having made at short notice a machine such as is in common use, and which will be very nearly as good as Wright's, in New York, or in Springfield, Mass., at both of which places cap making is conducted on a large scale.

Returning to Major Barbour, this gentleman conferred with me with great freedom and frankness, and expressed a desire to do anything in his power to oblige us. He gave me all the information I desired about the machinery I was in pursuit of. It is still unsold, and may no doubt be purchased. It belongs to Ames, the manufacturer of arms at Springfield, Mass. I will proceed to Springfield and see if I can contract for it.

I have had a conference at this place with Captain Dimmock, the superintendent of the State arsenal, who promises to aid me in any

manner in his power. If I find difficulty in shipping powder or other munitions direct from the Northern ports, the captain will receive and forward for me. I visited also the Tredegar Foundry at this place, and was surprised to find so large and well-appointed an establishment. It has great facilities for founding cannon and casting shot and shell, and being within slave territory, will be a great resource for us if we are put upon our defense. I intended to contract with this establishment for some heavy ordnance, such as 10-inch, 8-inch, and 42-pounder guns, and for shot and shell; but I was informed that Mr. Anderson, one of the partners, had gone to Montgomery for this very purpose. This gentleman being with you, you will be enabled to contract with him in person, and thus relieve me of a portion of my responsibility. I can recommend his establishment as being a very reliable one. It employs 700 workmen, and is probably the largest foundry in the United States. Any communications addressed to me at Washington City, to the care of Richard H. Clarke, esq., will be promptly forwarded to me by this gentleman.

I have the honor to be, very respectfully, &c.,

RAPHAEL SEMMES.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 1, 1861.

Governor F. W. PICKENS,
Charleston, S. C.:

SIR: The Congress have passed an act to raise provisional forces for the Confederate States of America, and for other purposes. I beg to inclose a copy of the act.* Under this act the President directs me to inform you that he assumes control of all military operations in your State having reference to or connected with questions between your State and powers foreign to it. He also directs me to request you to communicate to this Department without delay the quantity and character of arms and munitions of war which have been acquired from the United States, and which are now in the forts, arsenals, and navy-yards of your State, and all other arms and munitions which your State may desire to turn over and make chargeable to this Government. The President further directs me to say that he will proceed with as little delay as possible to organize the provisional forces in the respective States, as provided for in the third and fourth sections of said act.

I have the honor to be, very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

(A copy of this letter sent to the Governors of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.)

[MARCH 1, 1861.—For Walker to Beauregard, authorizing the latter to raise provisional forces for the Confederate States in the State of South Carolina, not to exceed 5,000 men, &c., see Series I, Vol. I, p. 260.]

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*See February 28, p. 117.

AN ACT to admit Texas as a member of the Confederate States of America.

The Congress of the Confederate States of America do enact, That the State of Texas be, and is hereby, admitted as a member of this Confederacy upon an equal footing with the other Confederate States.

Approved March 2, 1861.

MEMPHIS, *March 2, 1861.*

Hon. L. P. WALKER,
Secretary of War, Confederate States of America:

DEAR SIR: I am instructed to send you a copy of the following resolution passed by the directors of the Mississippi and Tennessee Railroad Company.

Yours, very respectfully,

C. F. VANCE,
Secretary.

MEMPHIS, *March 1, 1861.*

At a meeting of the Board of Directors of the Mississippi and Tennessee Railroad Company, held at this office on this day, the following resolution was unanimously adopted:

Resolved by the president and directors of the Mississippi and Tennessee Railroad Company, That we tender to the Government of the Confederate States of America and to the State of Mississippi, free of charge, the use of the Mississippi and Tennessee Railroad for military purposes; and the secretary of the company is hereby ordered to furnish a copy of this resolution to the Governor of the State of Mississippi and to the Secretary of War of the Confederate States of America.

I, C. F. Vance, secretary of the Mississippi and Tennessee Railroad Company, hereby certify that the foregoing is a true copy of a resolution passed by the Board of Directors of said company on said 1st of March, 1861.

Witness my signature and seal of said company.

[SEAL.] C. F. VANCE,
Secretary.

[MARCH 4, 1861.—For Walker to the President, transmitting "estimates required for the service of the War Department for twelve months," see Series I, Vol. I, p. 261.]

EXECUTIVE DEPARTMENT,
Montgomery, Ala., March 4, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: Your communication of the 1st instant, inclosing an act of Congress of the Confederate States of America to raise provisional forces, &c., has been laid before me. In your letter you state that the President directs you to inform me "that he assumes the control of all military operations in your (my) State having reference to or connected with questions between your (my) State and powers foreign thereto." You also request me to communicate without delay to your Department "the quantity and character of arms and munitions of

war acquired from the United States, and which are now in the forts, arsenals, and navy-yards of your (my) State, and all other arms and munitions your (my) State may desire to turn over and make chargeable to this the Confederate Government." I am also informed by you "that he (the President) will proceed with as little delay as possible to organize the provisional forces of the respective States," &c. I am much gratified to learn that it is the determination of the President to take control of the military operations of the Confederate States of America, first, because it is right; secondly, because of his skill and ability to direct the military operations of the new Government, and, thirdly, because it relieves me from a very responsible duty for the proper discharge of which I am but little qualified. I herewith transmit to you a copy of the inventory made out by the captain of ordnance in the arsenal at Mount Vernon, showing every description of public property in said arsenal at the time of its occupation by the troops of Alabama.* Since that time some of the powder and a few of the muskets and rifles have been placed in the hands of the troops of the State at Fort Morgan. The amount of powder and number of arms so used cannot now be stated. I will forthwith direct Captain Smith, of the ordnance department, stationed at that place, to make out a new inventory of all the public property now in the arsenal, which will be laid before the President as soon as received. I have already furnished you with report made by Maj. Samuel H. Lockett, of the corps of engineers, showing the number of guns and nature of public property at Forts Morgan and Gaines. I presume the State will desire to deliver over to the President the property acquired from the Federal Government which has not already been used for the protection of the State. It will, however, require some action of the State convention, now in session, authorizing me to make this disposition of the forts, arsenal, and other public property acquired from the United States. This will no doubt be done in a few days. I am not prepared to say what course the State convention will take with regard to the arms purchased by the State under a late act of the Legislature, but am inclined to the opinion that they should be retained by the State, to enable her to meet any emergency and to protect and defend her citizens. The State has purchased within the last eight months about 9,500 stand of small-arms, consisting of muskets, rifles, carbines, pistols, and sabers; also 700 kegs of powder of 28 pounds each, and 20,000 pounds of lead and 8,000 pounds of minie-balls; also 1,500,000 percussion-caps and 100,000 fixed cartridges. Two 10-inch columbiads have been procured, with shot, shells, gun carriages, &c., which are probably now at Fort Morgan, and intended for the defense of that place. These guns will of course be turned over to the new Government. Also, the State has six new brass rifled cannon, 6-pounders, and about ten other brass field pieces, 6-pounders, and six howitzers. Some of these the State may be disposed to transfer to the Confederate Government. This subject has been brought to the attention of the State convention, that immediate action may be had thereon.

Nothing will be left undone on my part to aid the Government of the Confederate States in organizing forces for their defense. I am advised by your letter that the President "will proceed with as little delay as possible to organize the provisional forces in the respective States, as provided for in the third and fourth sections of said act."

*Not found.

In order to aid him in the discharge of this important duty, I herewith transmit the names of the several officers appointed by me and the positions severally assigned to them, designating such as have received a military education and have been in the public service; also such as have had military experience without a military education.*

All the lieutenants who have not been designated as having received a military education are highly recommended as young gentlemen of character and as well qualified. Some of them are personally known to the Secretary of War. All the foregoing appointments have been conscientiously made, with due regard to the qualifications of the appointees, and have been as well distributed through the State as circumstances would allow. If not inconsistent with the views of the President and Secretary of War and their duty to the public service, it would be a source of gratification to the persons appointed and to me that they should be allowed to retain the positions assigned them, or receive such other appointment as the President shall deem proper.

Very respectfully, your obedient servant,

A. B. MOORE.

MILLEDGEVILLE, *March 4, 1861.*

THE HONORABLE THE PRESIDENT AND MEMBERS OF THE CONVENTION OF THE PEOPLE OF GEORGIA:

In pursuance of my appointment by your body as commissioner to the State of Delaware, I have visited Dover, the capital of that State, and, to the best of my ability, discharged the trusts you confided to me. On my way thither, at Washington City I learned from those most competent to give information the state of public sentiment in Delaware in regard to questions connected with the objects of my mission; that a large majority of the people were aggrieved at the aggressions of the Northern upon the Southern States; that their sympathies and interests were with the latter, and that on the withdrawal of Virginia and Maryland from the United States, Delaware would unquestionably follow them and unite her destinies with the Confederate States of the South. I learned also that the Legislature of the State, then in session, was not regarded as a true exponent of the sentiments of the people on these points, and was advised to address myself to the Executive. On reaching Dover I found that one branch of the Legislature, the Senate, had a majority of one known and recognized as Democrats, and the other branch a majority of one, though not elected such, called and regarded as Republicans. After a long social and satisfactory interview with His Excellency Governor Burton, and a consultation with a number of the leading and prominent men of the State most friendly to the objects of my mission, all of whom concurred in the opinion that the objects I had in view would be best promoted by addressing myself to the Executive, I concluded to make no application for a hearing before the Legislature. Accordingly I addressed a communication to the Governor setting forth the objects of my mission and briefly discussing the advantages that would result to Delaware by her union with a Southern Confederacy, and inclosed therein the documents I had been instructed to lay before the constituted authorities of the State. The

* List of names here omitted.

Governor promptly transmitted my communication to the Legislature without any comment, except that in his message accompanying it he renewed a previous recommendation for a call of a convention of the people to take into consideration the questions then agitating the country. The Senate immediately took up the message for consideration and adopted a resolution in substance affirming that Delaware appreciated the courtesy of Georgia in sending a commissioner to her; that in view of her location and the state of things existing in the States around her, the time for action on her part had not arrived, and that when it did come Delaware would pursue that course that would best promote her interests. The House postponed for the present any action on the message of the Governor, and I have not yet learned what, if any, has been its action on the subject. It was expected the Legislature would continue its session till after the 4th of March, that it might mark out its future course by the events of that day. Hence it may be that the final action of the Legislature has not yet been forwarded to me.

I cannot conclude this report without giving it as my decided opinion, formed from the declarations made to me by a large number of the prominent and leading men of Delaware, including some who have heretofore filled her executive chair and represented her in both branches of the Congress of the United States, members of all parties into which the country has heretofore been divided, that whenever Virginia and Maryland shall withdraw from the Union, Delaware would follow in their footsteps. She will not consent to unite her destinies with a Northern confederacy while she can form an alliance with one at the South, with which she is more identified by interest and to which she is drawn by sentiment and sympathy.

It is due to the State of Delaware and to myself that I should gratefully acknowledge, as I here do, the kindness and courtesy extended to me as your humble representative by the Executive and other officers and citizens of Delaware with whom during my visit I was thrown in contact. A copy of my communication to Governor Burton accompanies this report.

With great respect, your obedient servant,

D. C. CAMPBELL.

[Inclosure.]

DOVER, DEL., *February 12, 1861.*

His Excellency Governor BURTON:

DEAR SIR: I have already had the honor to place in your hand my credentials accrediting me as a commissioner to the State of Delaware from a convention of the people of the State of Georgia, recently assembled at her capital. The object of my mission is twofold. First, to lay before the constituted authorities of your State the ordinance of secession by which the State of Georgia has repealed the ordinance by virtue of which she became a member of the late confederacy known as the United States of America, has withdrawn from that confederacy, and has declared herself a free, sovereign, and independent State. The second object of my mission is, in the name of my State, to invite the co-operation of Delaware with Georgia and the other seceding States in the formation of a Southern confederacy.

In obedience to my instructions I beg leave to lay before you the following documents, all of which are inclosed: First, a resolution of the Georgia convention declaring it the right and duty of Georgia to

secede from the Union;* second, an authenticated copy of the ordinance of secession;† third, a resolution of the convention uniting with Alabama in the invitation to the State of Delaware to send commissioners to represent her at Montgomery, Ala.;* fourth, a resolution of the convention appointing commissioners to Delaware and other States and defining their duties.* I beg leave respectfully to ask you to take into consideration these documents exhibiting the objects of my mission, and if you approve the measure to lay the same before the Legislature.

You will perceive that the prominent object of my mission is to invite the co-operation of Delaware in the formation of a Southern confederacy. Georgia, in the movement she has made, has not acted in haste or with precipitancy, nor without calm deliberation and after having counted the cost. She did not withdraw from the Union till she had lost all hope of being able to maintain the rights and equality guaranteed to her by the compact into which she had entered and to enjoy the domestic tranquillity which was one of the prominent objects of that compact to secure to her. She has now passed the Rubicon and with no intention of taking any steps backward. Already in alliance with other of her sister and neighboring States who have formed a provisional government and intend speedily to organize a permanent government upon the basis of the Constitution of the United States, she looks with interest to those of the slave-holding States who have not yet cast in their lot with her and from whom she has been compelled to separate not without feelings of deep and poignant regret. They have heretofore battled with her for the same rights, triumphed with her in the same successes, and mourned with her under the same reverses. Although it is well known in Georgia that Delaware, in proportion to her population, has not as deep an interest in the institution of slavery as the other border slave-holding States, yet it is well known that she is identified with Georgia in interest, more so in sentiment, in principle, and in sympathy, and, it is confidently believed, is destined ere long, under the force of events rapidly crowding upon her, to be identified with her in action and in her future destiny.

It is no part of my duty to indicate to the State of Delaware what course it may comport with her honor or her interest to pursue, yet pardon me in making the suggestion that the cotton States are agricultural in the pursuits of their people and have heretofore been dependent on the Northern States mainly for the products of manufacturing and mechanical labor. Hereafter they will look for these products across the Atlantic if they cannot be furnished by States in alliance with them. Those Southern border States, therefore, who are far advanced in manufacturing and mechanical skill have now tendered to them the entire South for a market and that without a rival.

One other consideration: Free trade, or an approximation to it, will probably prevail in the Southern confederacy. Delaware has her sea-ports. Is it unreasonable to suppose that under the high protective tariffs that will prevail in the Northern confederacy that those sea-ports may attach to them, when they can sell goods at lower prices, because imported under a lower tariff, an extensive and valuable commerce which never heretofore has reached them? But on this subject I forbear. I have only to add that it is the sincere and earnest desire of the State of Georgia that all the slave-holding States

* Embodied in Journal of the Georgia Convention, January 18, p. 57.
† See January 19, p. 70.

may be united in the confederacy, the nucleus of which is already formed, and that Delaware will be among them, exhibiting, as she has done in the Union that has ceased to exist, her full quota of talent and moral worth and contributing her full quota to its prosperity.

With sentiments of profound respect, I have the honor to be, respectfully, your obedient servant,

D. C. CAMPBELL.

MONTGOMERY, *March 5, 1861.*

Hon. JOHN FORSYTH,
Washington, D. C.:

Get for me a disbursing clerk from War Department. Salary, $1,200. Want none who has not been so employed in that Department.

L. P. WALKER.

AN ORDINANCE in relation to a union of the State of Texas with the Confederate States of America.

Whereas, the convention of this State has received information that the Congress of the Confederate States of America, now in session at the city of Montgomery, in the State of Alabama, has adopted a Constitution for a Provisional Government, which Constitution is modeled on that of the United States of America; and whereas, as a seceded State, it becomes expedient and proper that Texas should join said Confederacy and share its destinies; and whereas, a delegation consisting of seven members has already been elected by the convention to the Congress of the Confederacy aforesaid: Therefore,

SECTION 1. *The people of Texas in convention assembled have ordained and declared, and do hereby ordain and declare*, That the delegation aforesaid to the Congress aforesaid be, and they are hereby, instructed, and we do accordingly instruct them in behalf of the State, and as representing its sovereign authority, to apply for the admission of this State into the said Confederacy, and to that end and for that purpose to give in the adhesion of Texas to the Provisional Constitution of said Confederate States; and which said Constitution this convention hereby approves, ratifies, and accepts.

SEC. 2. *Be it further ordained*, That the delegation appointed by this convention to the Congress of the Confederate States be, and they are hereby, authorized to act in said Congress as the duly accredited representatives of the State of Texas: *Provided, however*, That any permanent constitution which may be formed by said Congress shall not become obligatory on this State until approved by the people in such a way as shall be determined upon.

SEC. 3. *Be it further ordained*, That the president of the convention immediately transmit, through such channel as he may elect, a copy or copies of this ordinance to the Congress at Montgomery and the members of Congress from this State.

Done at the city of Austin on the 5th day of March, A. D. 1861

O. M. ROBERTS,
President of the Convention.

Attest.

R. T. BROWNRIGG,
Secretary to the Convention.

AN ACT to provide for the public defense.

The Congress of the Confederate States of America do enact, That in order to provide speedily forces to repel invasion, maintain the rightful possession of the Confederate States of America in every portion of territory belonging to each State, and to secure the public tranquillity and independence against threatened assault, the President be, and he is hereby, authorized to employ the militia, military and naval forces of the Confederate States of America, and to ask for and accept the services of any number of volunteers, not exceeding 100,000, who may offer their services, either as cavalry, mounted riflemen, artillery, or infantry, in such proportion of these several arms as he may deem expedient, to serve for twelve months after they shall be mustered into service, unless sooner discharged.

SEC. 2. *And be it further enacted*, That the militia, when called into service by virtue of this act or any other act, if in the opinion of the President the public interest requires, may be compelled to serve for a term not exceeding six months after they shall be mustered into service, unless sooner discharged.

SEC. 3. *And be it further enacted*, That said volunteers shall furnish their own clothes, and, if mounted men, their own horses and horse equipments; and when mustered into service shall be armed by the States from which they come, or by the Confederate States of America.

SEC. 4. *And be it further enacted*, That said volunteers shall, when called into actual service, and while remaining therein, be subject to the Rules and Articles of War, and instead of clothing, every non-commissioned officer and private in any company shall be entitled, when called into actual service, in money to a sum equal to the cost of clothing of a non-commissioned officer or private in the Regular Army of the Confederate States of America.

SEC. 5. *And be it further enacted*, That the said volunteers so offering their services may be accepted by the President in companies, squadrons, battalions, and regiments, whose officers shall be appointed in the manner prescribed by law in the several States to which they shall respectively belong; but when inspected, mustered, and received into the service of the Confederate States, said troops shall be regarded in all respects as a part of the Army of said Confederate States, according to the terms of their respective enlistments.

SEC. 6. *And be it further enacted*, That the President is hereby authorized to organize companies so tendering their services into battalions or squadrons, battalions or squadrons into regiments, regiments into brigades, and brigades into divisions, whenever in his judgment such organization may be expedient; and whenever brigades or divisions shall be organized, the President shall appoint the commanding officers for such brigades and divisions, subject to the confirmation of Congress, who shall hold their offices only while such brigades and divisions are in service; and the President shall, if necessary, apportion the staff and general officers among the respective States from which the volunteers shall tender their services, as he may deem proper.

SEC. 7. *And be it further enacted*, That whenever the militia or volunteers are called and received into the service of the Confederate States, under the provisions of this act, they shall have the same organization, and shall have the same pay and allowances as may be provided for the Regular Army; and all mounted non-commissioned officers, privates, musicians, and artificers shall be allowed forty cents

per day for the use and risk of their horses; and if any volunteer shall not keep himself provided with a serviceable horse, such volunteer shall serve on foot. For horses killed in action volunteers shall be allowed compensation according to their appraised value at the date of muster into service.

SEC. 8. *And be it further enacted*, That the field and staff officers of a separate battalion of volunteers shall be one lieutenant-colonel or major, one adjutant with the rank of lieutenant, one sergeant-major, one quartermaster-sergeant, and a chief bugler or principal musician, according to corps; and that each company shall be entitled to an additional second lieutenant; and that the President may limit the privates in any volunteer company, according to his discretion, at from sixty-four to one hundred.

SEC. 9. *And be it further enacted*, That when volunteers or militia are called into the service of the Confederate States in such numbers that the officers of the Quartermaster, Commissary, and Medical Departments, which may be authorized by law for the regular service, are not sufficient to provide for the supplying, quartering, transporting, and furnishing them with the requisite medical attendance, it shall be lawful for the President to appoint, with the advice and consent of the Congress, as many additional officers of said departments as the service may require, not exceeding one commissary and one quartermaster for each brigade, with the rank of major, and one assistant quartermaster with the rank of captain, one assistant commissary with the rank of captain, one surgeon, and one assistant surgeon for each regiment; the said quartermasters and commissaries, assistant quartermasters and commissaries, to give bonds with good sureties for the faithful performance of their duties; the said officers to be allowed the same pay and emoluments as shall be allowed to officers of the same grade in the regular service, and to be subject to the Rules and Articles of War, and to continue in service only so long as their services may be required in connection with the militia or volunteers.

SEC. 10. *And be it further enacted*, That the President be, and he is hereby, authorized to purchase or charter, arm, equip, and man such merchant vessels and steamships or boats as may be found fit or easily converted into armed vessels, and in such number as he may deem necessary for the protection of the sea-board and the general defense of the country.

Approved March 6, 1861.

AN ACT for the establishment and organization of the Army of the Confederate States of America.

The Congress of the Confederate States of America do enact, That from and after the passage of this act the military establishment of the Confederate States shall be composed of one corps of engineers, one corps of artillery, six regiments of infantry, one regiment of cavalry, and of the staff departments already established by law.

SEC. 2. The corps of engineers shall consist of one colonel, four majors, five captains, and one company of sappers, miners, and pontoniers, which shall consist of ten sergeants or master workmen, ten corporals or overseers, two musicians, and thirty-nine privates of the first class, or artificers, and thirty-nine privates of the second class, or laborers, making in all one hundred.

SEC. 3. The said company shall be officered by one captain of the corps of engineers, and as many lieutenants, to be selected by the

President from the line of the Army, as he may deem necessary for the service, and shall be instructed in and perform all the duties of sappers, miners, and pontoniers, and shall, moreover, under the orders of the chief engineer, be liable to serve by detachments in overseeing and aiding laborers upon fortifications or other works under the Engineer Department, and in supervising finished fortifications, as fort-keepers, preventing injury and making repairs.

SEC. 4. It shall be the duty of the colonel of the Engineer Corps, subject to the approval of the Secretary of War, to prescribe the number, quantity, form, dimensions, &c., of the necessary vehicles, arms, pontoons, tools, implements, and other supplies for the service of the said company as a body of sappers, miners, and pontoniers.

SEC. 5. The corps of artillery, which shall also be charged with ordnance duties, shall consist of one colonel, one lieutenant-colonel, ten majors, and forty companies of artillerists and artificers; and each company shall consist of one captain, two first lieutenants, one second lieutenant, four sergeants, four corporals, two musicians, and seventy privates. There shall also be one adjutant, to be selected by the colonel from the first lieutenants, and one sergeant-major, to be selected from the enlisted men of the corps. The President may equip as light batteries, of six pieces each, such of these companies as he may deem expedient, not exceeding four in time of peace.

SEC. 6. Each regiment of infantry shall consist of one colonel, one lieutenant-colonel, one major, and ten companies; each company shall consist of one captain, one first lieutenant, two second lieutenants, four sergeants, four corporals, two musicians, and ninety privates; and to each regiment there shall be attached one adjutant, to be selected from the lieutenants, and one sergeant-major, to be selected from the enlisted men of the regiment.

SEC. 7. The regiment of cavalry shall consist of one colonel, one lieutenant-colonel, one major, and ten companies, each of which shall consist of one captain, one first lieutenant, two second lieutenants, four sergeants, four corporals, one farrier, one blacksmith, two musicians, and sixty privates. There shall also be one adjutant and one sergeant-major, to be selected as aforesaid.

SEC. 8. There shall be four brigadier-generals, who shall be assigned to such commands and duties as the President may specially direct, and shall be entitled to one aide-de-camp each, to be selected from the subalterns of the line of the Army, who, in addition to their duties as aides-de-camp, may perform the duties of assistant adjutants-general.

SEC. 9. All officers of the Army shall be appointed by the President, by and with the advice and consent of the Congress, and the rank and file shall be enlisted for a term not less than three nor more than five years, under such regulations as may be established.

SEC. 10. No officer shall be appointed in the Army until he shall have passed an examination satisfactory to the President, and in such manner as he may prescribe, as to his character and fitness for the service. The President, however, shall have power to postpone this examination for one year after appointment, if in his judgment necessary for the public interest.

SEC. 11. All vacancies in established regiments and corps, to and including the rank of colonel, shall be filled by promotion according to seniority, except in case of disability or other incompetency. Promotions to and including the rank of colonel shall be made regimentally in the infantry and cavalry, in the staff departments, and in the

engineers and artillery, according to corps. Appointments to the rank of brigadier-general, after the Army is organized, shall be made by selection from the Army.

SEC. 12. The President of the Confederate States is hereby authorized to appoint to the lowest grade of subaltern officers such meritorious non-commissioned officers as may, upon the recommendation of their colonels and company officers, be brought before an army board, specially convened for the purpose, and found qualified for the duties of commissioned officers, and to attach them to regiments or corps as supernumerary officers if there be no vacancies: *Provided*, There shall not be more than one so attached to any one company at the same time.

SEC. 13. The pay of a brigadier-general shall be $301 per month. The aide-de-camp of a brigadier-general, in addition to his pay as lieutenant, shall receive $35 per month.

SEC. 14. The monthly pay of the officers of the corps of engineers shall be as follows: Of the colonel, $210; of a major, $162; of a captain, $140; lieutenants serving with the company of sappers and miners shall receive the pay of cavalry officers of the same grade.

SEC. 15. The monthly pay of the colonel of the corps of artillery shall be $210; of a lieutenant-colonel, $185; of a major, $150, and when serving on ordnance duty, $162; of a captain, $130; of a first lieutenant, $90; of a second lieutenant, $80; and the adjutant shall receive, in addition to his pay as lieutenant, $10 per month. Officers of artillery serving in the light artillery, or performing ordnance duty, shall receive the same pay as officers of cavalry of the same grade.

SEC. 16. The monthly pay of the officers of the infantry shall be as follows: Of a colonel, $195; of a lieutenant-colonel, $170; of a major, $150; of a captain, $130; of a first lieutenant, $90; of a second lieutenant, $80; the adjutant, in addition to his pay as lieutenant, $10.

SEC. 17. The monthly pay of the officers of the cavalry shall be as follows: Of a colonel, $210; of a lieutenant-colonel, $185; a major, $162; a captain, $140; a first lieutenant, $100; a second lieutenant, $90; the adjutant, $10 per month, in addition to his pay as lieutenant.

SEC. 18. The pay of the officers of the general staff, except those of the Medical Department, shall be the same as that of officers of cavalry of the same grade. The Surgeon-General shall receive an annual salary of $3,000, which shall be in full of all pay and allowances, except fuel and quarters. The monthly pay of a surgeon, of ten years' service in that grade, shall be $200; a surgeon of less than ten years' service in that grade, $162; an assistant surgeon of ten years' service in that grade, $150; an assistant surgeon of five years' service in that grade, $130; and an assistant surgeon of less than five years' service, $110.

SEC. 19. There shall be allowed, in addition to the pay hereinbefore provided, to every commissioned officer except the Surgeon-General, $9 per month for every five years' service; and to the officers of the Army of the United States, who have resigned or may resign to be received into the service of the Confederate States, this additional pay shall be allowed from the date of their entrance into the former service. There shall also be an additional monthly allowance to every general officer commanding in chief a separate army actually in the field, [of] $100.

SEC. 20. The pay of officers, as hereinbefore established, shall be in full of all allowances, except forage, fuel, quarters, and traveling

expenses while traveling under orders. The allowance of forage, fuel, and quarters shall be fixed by regulations and shall be furnished in kind, except when officers are serving at stations without troops where public quarters cannot be had, in which case there may be allowed, in lieu of forage, $8 per month for each horse to which they may be entitled, provided they are actually kept in service and mustered; and quarters may be commuted at a rate to be fixed by the Secretary of War, and fuel at the market price delivered. An officer when traveling under orders shall be allowed mileage at the rate of 10 cents per mile.

SEC. 21. In time of war officers of the Army shall be entitled to draw forage for horses, according to grade, as follows: A brigadier-general, four; the adjutant and inspector general, quartermaster-general, commissary-general, and the colonels of engineers, artillery, infantry and cavalry, three each; all lieutenant-colonels and majors, and captains of the general staff, engineer corps, light artillery, and cavalry, three each; lieutenants serving in the corps of engineers, lieutenants of light artillery and of cavalry, two each. In time of peace: General and field officers, three; officers below the rank of field officers, in the general staff, corps of engineers, light artillery, and cavalry, two; provided in all cases that the horses are actually kept in service and mustered. No enlisted man in the service of the Confederate States shall be employed as a servant by any officer of the Army.

SEC. 22. The monthly pay of the enlisted men of the Army of the Confederate States shall be as follows: That of a sergeant or master workman of the engineer corps, $34; that of a corporal or overseer, $20; privates of the first class, or artificers, $17; and privates of the second class, or laborers, and musicians, $13. The sergeant-major of cavalry, $21; first sergeants, $20; sergeants, $17; corporals, farriers, and blacksmiths, $13; musicians, $13, and privates, $12. Sergeant-majors of artillery and infantry, $21; first sergeants, $20 each; sergeants, $17; corporals and artificers, $13; musicians, $12, and privates, $11 each. The non-commissioned officers, artificers, musicians, and privates serving in light batteries, shall receive the same pay as those of cavalry.

SEC. 23. The President shall be authorized to enlist as many master armorers, master carriage-makers, master blacksmiths, armorers, carriage-makers, blacksmiths, artificers, and laborers, for ordnance service, as he may deem necessary, not exceeding in all 100 men, who shall be attached to the corps of artillery. The pay of a master armorer, master carriage-maker, master blacksmith, shall be $34 per month; armorers, carriage-makers, and blacksmiths, $20 per month; artificers, $17, and laborers, $13 per month.

SEC. 24. Each enlisted man of the Army of the Confederate States shall receive one ration per day and a yearly allowance of clothing, the quantity and kind of each to be established by regulations from the War Department, to be approved by the President.

SEC. 25. Rations shall generally be issued in kind, but under circumstances rendering a commutation necessary; the commutation value of the ration shall be fixed by regulations of the War Department, to be approved by the President.

SEC. 26. The officers appointed in the Army of the Confederate States by virtue of this act shall perform all military duties to which they may be severally assigned by authority of the President, and it shall be the duty of the Secretary of War to prepare and publish reg-

ulations prescribing the details of every department in the service for the general government of the Army, which regulations shall be approved by the President, and when so approved shall be binding.

SEC. 27. All officers of the Quartermaster's and Commissary Departments shall, previous to entering on the duties of their respective offices, give bonds, with good and sufficient sureties, to the Confederate States, in such sum as the Secretary of War shall direct, fully to account for all moneys and public property which they may receive.

SEC. 28. Neither the Quartermaster-General, the Commissary-General, nor any or either of their assistants shall be concerned, directly or indirectly, in the purchase or sale of any articles intended for, making a part of, or appertaining to public supplies, except for and on account of the Confederate States; nor shall they, or either of them, take or apply to his or their own use any gain or emolument for negotiating any business in their respective departments other than what is or may be allowed by law.

SEC. 29. The Rules and Articles of War established by the laws of the United States of America for the government of the Army are hereby declared to be of force, except that wherever the words "United States" occur the words "Confederate States" shall be substituted therefor; and except that the Articles of War Nos. 61 and 62 are hereby abrogated and the following articles substituted therefor:

ART. 61. Officers having brevets or commissions of a prior date to those of the corps in which they serve will take place on courts-martial or of inquiry, and on boards detailed for military purposes, when composed of different corps, according to the ranks given them in their brevet or former commissions; but in the regiment, corps, or company to which such officers belong they shall do duty and take rank, both in courts and on boards as aforesaid which shall be composed of their own corps, according to the commissions by which they are there mustered.

ART. 62. If upon marches, guards, or in quarters different corps shall happen to join or do duty together, the officer highest in rank, according to the commission by which he is mustered in the Army, Navy, Marine Corps, or militia, there on duty by orders from competent authority, shall command the whole and give orders for what is needful for the service, unless otherwise directed by the President of the Confederate States in orders of special assignment providing for the case.

SEC. 30. The President shall call into the service of the Confederate States only so many of the troops herein provided for as he may deem the safety of the Confederacy may require.

SEC. 31. All laws or parts of laws of the United States, which have been adopted by the Congress of the Confederate States, repugnant to or inconsistent with this act are hereby repealed.

Approved March 6, 1861.

WASHINGTON, D. C., *March 6, 1861.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

SIR: In pursuance of my understanding with you respecting the machinery for arms, I immediately, on my arrival here, went to work to find out the facts relative to the business, and had prepared a letter to you as the result of my investigations, which I took on Sunday evening to Captain Semmes for delivery, as I learned he was going direct to Montgomery. Much to my surprise, he informed me that he had been sent here fully authorized to transact the same business, and instead of going to Alabama he was on his way to the East to see Mr. Ames. Finding myself thus completely ignored in the transaction, I, of course, withhold as useless the communication, as no doubt

Captain Semmes has kept you well informed upon the subject. I regret that I had no knowledge of his appointment, as that would have prevented my placing myself in an unpleasant position with all of the parties with whom I had been for some time in intercourse in reference to the propositions which I had the honor to submit to the military committee of the Congress. I hope that Captain Semmes may succeed in the enterprise, for then I shall have the satisfaction of knowing that my exertions and honest endeavors to benefit the Confederacy will have been crowned with success. I still believe, however, that as I had taken the initiative in this business I could have been of some service in its execution.

I am, sir, very respectfully, your obedient servant,

GEO. W. MORSE.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 6, 1861.

Mr. C. F. VANCE,
Memphis, Tenn.:

SIR: Your letter of the 1st instant, inclosing a copy of the resolution recently adopted by the president and directors of the Mississippi and Tennessee Railroad Company, tendering to the Government of the Confederate States of America, free of charge, the use of their road for military purposes, has just been received. Permit me, sir, through you, to assure the president and directors of said company that this manifestation of their kindness and patriotism is highly appreciated, and, should the occasion arise, this Department will avail itself of their offer.

Very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

[MARCH 6, 1861.—For Gist to Bonham, reporting the organization, in South Carolina, of ten regiments, aggregating 8,835 rank and file, see Series I, Vol. I, p. 265.]

WASHINGTON, *March 7, 1861.*

Hon. JEFFERSON DAVIS:

My friend and connection has resigned from the Army; resignation accepted; will be with you in five or six days. Have written by private hand.

J. M. MASON.

SAVANNAH, GA., *March 7, 1861.**

* * * * * * *

Mr. Bell, of Forsyth, offered the following resolution:

Resolved, That the people of Georgia, in convention assembled, most heartily approve the election by the Congress at Montgomery of the Hon. Jefferson Davis

*From Journal of the Georgia Convention.

to the Presidency and the Hon. A. H. Stephens to the Vice-Presidency of the Provisional Government of the Confederate States of America, the duties of which positions their distinguished public services and acknowledged abilities eminently qualify them to discharge.

The resolution was taken up, read, and unanimously adopted.

On motion of Mr. Crawford, of Greene, the secretary of the convention was directed to transmit a copy of the foregoing to the Congress of the Confederate States of America.

* * * * * * *

MILLEDGEVILLE, *March 7, 1861.*

Hon. GEORGE W. CRAWFORD,
President of Georgia Convention, Savannah, Ga.:

SIR: It is known to your honorable body that on the day after my appointment as commissioner to Texas I set out for the city of Austin, the capital of that State. Upon my arrival at that point I found its convention in session, and forthwith proceeded to make known the object of my mission. I am happy to inform you that [that] body of enlightened statesmen and patriots cordially indorsed the late action of Georgia; and their people, not less cordial in their approval of her course, have followed her example and proclaimed in the last four days with almost one voice for Southern independence and the establishment of a Southern confederacy. Although their determination in this respect, from its public notoriety, must have already reached you through different channels, yet I have considered it proper in closing my embassy to authenticate the fact by communicating it officially to your honorable body.

From the evidence which this spirited and patriotic race of men have thus given of their loyalty and devotion to Southern rights, I feel that I pay but a just tribute to the courage and patriotism of the people of Texas in saying—having upon mature deliberation adopted this measure as a last resort to protect their interests and institutions from Northern encroachment and usurpation, and to vindicate their honor and character from the ignominious imputation of abject submission to wanton outrage and insult—they will stand by their act "at every hazard and to the last extremity." In my admiration of their conduct I cannot but contrast their noble attitude with the humiliating, supplicating posture of others vainly begging upon their knees as a gracious boon what as freemen and equals they should demand with arms in their hands.

Upon the occasion of this most welcome and valued accession to our cause, I rejoice that it is our privilege to hail the "Lone Star" as one of the Southern constellation, making now our number seven. Like the Seven Stars of the heavens, may they revolve harmoniously in their orbit, increasing in beauty and splendor in their onward and upward course. Unlike the fabled Pleiades of antiquity, may no one of their number shoot madly from its sphere, unhappily doomed to become an isolated wanderer with no fixed track until all set to rise no more.

I have the honor to be, with sentiments of high consideration, your most obedient servant,

J. W. A. SANFORD.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 8, 1861.

His Excellency JEFFERSON DAVIS,
President of Confederate States of America:

SIR: Since my communication of the 4th instant,* in which I had the honor to submit the Army estimates for twelve months, the Congress has passed an act authorizing the President to call into the service of the Confederate States any number of volunteers, not exceeding 100,000. The estimates heretofore submitted by me were based upon the bills pending before Congress and afterward passed, and were only intended for the provisional forces and the Army. Under these circumstances I deem it proper to call your attention to this fact, and to suggest an additional appropriation by Congress of $5,000,000 for the volunteer service, in the event it should become necessary to organize such a force.

I have the honor to be, very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

FRIDAY, *March 8, 1861.*†

The convention, being in secret session, on motion of Mr. Rice, took up the following resolution:

Resolved, That a committee of seven be appointed to examine into the condition of the defenses of the city of Savannah and its approaches; to inquire what additional defense, if any, may be necessary, and to report to this convention at the earliest day.

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So the resolution was carried.

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CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 8, 1861.

His Excellency THOMAS O. MOORE,
Baton Rouge, La.:

SIR: I had the honor some days since to inclose to Your Excellency a copy of an act of the Congress providing for the transfer of the troops now in the service of your State to the Provisional Army of the Confederate States. The third section of that act refers to the troops already in the service of the State governments, who must be tendered by the respective State authorities, and also to such troops not in the service of the States as may volunteer with the consent of the States. Your Excellency is aware that the process of organizing the regular Army of the Confederate States must necessarily be slow and unsatisfactory, and wholly inadequate to the present emergencies of our situation. Under these circumstances the main reliance of this Government at this time must be on the State forces now in service, and such volunteer organizations in the respective States as may be desirous of being incorporated into the Provisional Army. The President therefore instructs me to express the hope that Your Excellency, appreciating, as I doubt not you do, the necessity for immediate military organizations subject to the control of this Government, will tender

*See Series I, Vol. I, p. 261. †From Journal of the Georgia Convention.

for the Provisional Army the troops now in the service of your State; and to save the delays of special application and permission it is hoped that Your Excellency will publish a general order that such companies, battalions, and regiments as may be organized in your State and volunteer for service in the Provisional Army may do so.

Believing that Your Excellency fully appreciates the imminent necessity for prompt action, and trusting that these suggestions will receive immediate consideration,*

I have the honor to be, very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

(The same, *mutatis mutandis*, to the Governors of Alabama, Florida, Georgia, and Mississippi.)

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 9, 1861.

His Excellency A. B. MOORE,
Montgomery, Ala.:

SIR: Under the act of Congress "to raise provisional forces for the Confederate States," a copy of which I had the honor to inclose to you a few days ago, this Government now needs for immediate service, at Charleston, 3,000 troops; Fort Pulaski, 1,000 troops; Fort Morgan, 1,000 troops; Pensacola, 5,000 troops; Mississippi River, below New Orleans, 700 troops; Texas, 1,000. I therefore request that Alabama shall furnish for Fort Morgan 1,000 and for Pensacola 1,000 infantry, the troops to be sent forward to those points with as little delay as possible, and on their arrival they will be mustered into the service of the Confederate States. If you can supply this requisition immediately without the publication of your order, it would be better to do so, as it is advisable, as far as practicable, to keep our movements concealed from the Government of the United States.

I have the honor to be, very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

(The same, *mutatis mutandis*, to the Governors, of Florida, for 500 infantry at Pensacola; Georgia, for 1,000 infantry at Pensacola and 1,000 at Fort Pulaski; Louisiana, for 1,000 infantry at Pensacola and 700 at Forts Jackson and Saint Philip; Mississippi, for 1,500 infantry at Pensacola.)

SATURDAY, *March 9, 1861.*†

* * * * * * *

Mr. Varnadoe offered the following preamble and resolution, which were taken up and read:

Whereas, General David E. Twiggs, late of the U. S. Army, actuated by a sense of duty and patriotism, and in obedience to the allegiance due his native State, delivered upon demand to the regularly constituted authorities of the independent State of Texas all the property of the late United States Government under his control, and ordered its troops beyond the borders of said State:

Resolved, That this convention indorse, approve, and ratify his conduct in the premises, and recognize in him a brave and honorable soldier and a worthy and patriotic son of Georgia.

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* For reply, see Series I, Vol. LIII, p. 636.
† From Journal of the Georgia Convention.

Mr. Alexander, of Upson, offered the following amendment to the foregoing:

Resolved, That neither General Twiggs nor Colonel Hardee require any vindication among their old friends and neighbors in Georgia. Their defense may be found written by the point of the sword upon the battle-fields of their country, and upon the scarred forms of her enemies; yet this convention but yields to a natural impulse when it expresses the scorn with which the people of Georgia look upon all attempts on the part of an abolition press and a venal and fanatical Government to tarnish their fame and to filch from them the rewards of long lives of glorious deeds and heroic doings.

The amendment was received, and the resolution as amended was unanimously adopted.

* * * * * * *

Mr. Wofford offered the following preamble and resolutions, which were taken up, read, and adopted:

Whereas, under the Government of the United States, prior to the secession of Georgia, there has been annually paid to the pensioners resident in said State a sum of money amounting to about $23,000:

1. *Resolved*, That this convention urge the Congress of the Confederate States to make immediate provision for the payment of the pensioners resident in this State the amounts heretofore allowed them by the Government of the United States.

2. *Resolved*, That the secretary communicate the above to the Congress of the Confederate States.

* * * * * * *

Constitution of the Confederate States of America.

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution for the Confederate States of America.

Article I.

Section 1. All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and House of Representatives.

Sec. 2. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or Federal.

2. No person shall be a Representative who shall not have attained the age of twenty-five years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States, which may be included within this Confederacy, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound

to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made within three years after the first meeting of the Congress of the Confederate States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every fifty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six; the State of Georgia ten; the State of Alabama nine; the State of Florida two; the State of Mississippi seven; the State of Louisiana six; and the State of Texas six.

4. When vacancies happen in the representation from any State the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment; except that any judicial or other Federal officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

SEC. 3. 1. The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained the age of thirty years, and be a citizen of the Confederate States; and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

4. The Vice-President of the Confederate States shall be president of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers; and also a president *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the Confederate States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the Confederate States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the Confederate States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

SEC. 4. 1. The times places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, subject to the provisions of this Constitution; but

the Congress may, at any time, by law, make or alter such regulations, except as to the times and places of choosing Senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

SEC. 5. 1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds of the whole number expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 6. 1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the Confederate States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the Confederate States shall be a member of either House during his continuance in office. But Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department.

SEC. 7. 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed both Houses shall, before it becomes a law, be presented to the President of the Confederate States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by

their adjournment, prevent its return; in which case it shall not be a law. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.

3. Every order, resolution or vote, to which the concurrence of both Houses may be necessary (except on a question of adjournment) shall be presented to the President of the Confederate States; and before the same shall take effect, shall be approved by him; or being disapproved by him, shall be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

SEC. 8. The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises for revenue, necessary to pay the debts, provide for the common defense, and carry on the Government of the Confederate States; but no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts, and excises shall be uniform throughout the Confederate States:

2. To borrow money on the credit of the Confederate States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes; but neither this, nor any other clause contained in the Constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation; in all which cases such duties shall be laid on the navigation facilitated thereby as may be necessary to pay the costs and expenses thereof:

4. To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies, throughout the Confederate States; but no law of Congress shall discharge any debt contracted before the passage of the same:

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederate States:

7. To establish post-offices and post-routes; but the expenses of the Post-Office Department, after the 1st day of March in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues:

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions:

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of one or more States and the acceptance of Congress, become the seat of the Government of the Confederate States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Confederate States, or in any department or officer thereof.

SEC. 9. 1. The importation of negroes of the African race, from any foreign country other than the slave-holding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy.

3. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

4. No bill of attainder, *ex post facto* law, or law denying or impairing the right of property in negro slaves shall be passed.

5. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

6. No tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses.

7. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

8. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

9. Congress shall appropriate no money from the Treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of departments and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

10. All bills appropriating money shall specify in Federal currency the exact amount of each appropriation and the purposes for which it is made; and Congress shall grant no extra compensation to any public contractor, officer, agent or servant, after such contract shall have been made or such service rendered.

11. No title of nobility shall be granted by the Confederate States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

12. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

13. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

14. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

15. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation.

17. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

18. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact so tried by a jury shall be otherwise re-examined in any court of the Confederacy, than according to the rules of common law.

19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

20. Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

SEC. 10. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports,

shall be for the use of the Treasury of the Confederate States; and all such laws shall be subject to the revision and control of Congress.

3. No State shall, without the consent of Congress, lay any duty on tonnage, except on seagoing vessels, for the improvement of its rivers and harbors navigated by the said vessels; but such duties shall not conflict with any treaties of the Confederate States with foreign nations; and any surplus revenue, thus derived, shall, after making such improvement, be paid into the common treasury. Nor shall any State keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more States they may enter into compacts with each other to improve the navigation thereof.

ARTICLE II.

SECTION 1. 1. The executive power shall be vested in a President of the Confederate States of America. He and the Vice-President shall hold their offices for the term of six years; but the President shall not be reeligible. The President and Vice-President shall be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the Confederate States shall be appointed an elector.

3. The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the Government of the Confederate States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States—the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice-President shall act as President, as in case of the death, or other constitutional disability of the President.

4. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of

the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

5. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the Confederate States.

6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the Confederate States.

7. No person except a natural-born citizen of the Confederate States, or a citizen thereof at the time of the adoption of this Constitution, or a citizen thereof born in the United States prior to the 20th of December, 1860, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election.

8. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed or a President shall be elected.

9. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the Confederate States, or any of them.

10. Before he enters on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof."

SEC. 2. 1. The President shall be Commander-in-Chief of the Army and Navy of the Confederate States, and of the militia of the several States, when called into the actual service of the Confederate States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the Confederate States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties; provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the Confederate States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the Executive Departments may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficieney, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

4. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; but no person rejected by the Senate shall be reappointed to the same office during their ensuing recess.

SEC. 3. 1. The President shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the Confederate States.

SEC. 4. 1. The President, Vice-President, and all civil officers of the Confederate States, shall be removed from office on impeachment, for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. 1. The judicial power of the Confederate States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. 1. The judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and citizens of another State, where the State is plaintiff; between citizens claiming lands under grants of different States; and between a State or the citizens thereof, and foreign states, citizens, or subjects; but no State shall be sued by a citizen or subject of any foreign state.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State,

the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. 1. Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION. 1. 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State; and the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. 1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States; and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.

2. A person charged in any State with treason, felony, or other crime against the laws of such State, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No slave or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due.

SEC. 3. 1. Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the lands thereof.

3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times, and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the Territorial government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such Territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

4. The Confederate States shall guarantee to every State that now is, or hereafter may become, a member of this Confederacy, a republican form of government; and shall protect each of them against invasion; and on application of the Legislature (or of the Executive when the Legislature is not in session) against domestic violence.

Article V.

Section 1. 1. Upon the demand of any three States, legally assembled in their several conventions, the Congress shall summon a convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said convention—voting by States—and the same be ratified by the Legislatures of two-thirds of the several States, or by conventions in two-thirds thereof—as the one or the other mode of ratification may be proposed by the general convention—they shall thenceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

Article VI.

1. The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

2. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the Confederate States under this Constitution, as under the Provisional Government.

3. This Constitution, and the laws of the Confederate States made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederate States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

4. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the Confederate States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

5. The enumeration, in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people of the several States.

6. The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people thereof.

Article VII.

1. The ratification of the conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

2. When five States shall have ratified this Constitution, in the manner before specified, the Congress under the Provisional Consti-

tution shall prescribe the time for holding the election of President and Vice-President; and for the meeting of the Electoral College; and for counting the votes, and inaugurating the President. They shall, also, prescribe the time for holding the first election of members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them; not extending beyond the time limited by the Constitution of the Provisional Government.

Adopted unanimously by the Congress of the Confederate States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, sitting in convention at the capitol, in the city of Montgomery, Ala., on the eleventh day of March, in the year eighteen hundred and sixty-one.

HOWELL COBB,
President of the Congress.

South Carolina: R. Barnwell Rhett, C. G. Memminger, Wm. Porcher Miles, James Chesnut, jr., R. W. Barnwell, William W. Boyce, Lawrence M. Keitt, T. J. Withers.

Georgia: Francis S. Bartow, Martin J. Crawford, Benjamin H. Hill, Thos. R. R. Cobb.

Florida: Jackson Morton, J. Patton Anderson, Jas. B. Owens.

Alabama: Richard W. Walker, Robt. H. Smith, Colin J. McRae, William P. Chilton, Stephen F. Hale, David P. Lewis, Tho. Fearn, Jno. Gill Shorter, J. L. M. Curry.

Mississippi: Alex. M. Clayton, James T. Harrison, William S. Barry, W. S. Wilson, Walker Brooke, W. P. Harris, J. A. P. Campbell.

Louisiana: Alex. de Clouet, C. M. Conrad, Duncan F. Kenner, Henry Marshall.

Texas: John Hemphill, Thomas N. Waul, John H. Reagan, Williamson S. Oldham, Louis T. Wigfall, John Gregg, William Beck Ochiltree.

AN ACT making appropriations for the support of 3,000 men for twelve months, to be called into service at Charleston, S. C., under the third and fourth sections of an act of the Congress "To raise provisional forces for the Confederate States of America, and for other purposes."

The Congress of the Confederate States of America do enact, That the following appropriations be made for the support of the provisional troops called into service by the act aforesaid: Pay of the troops, $658,680; forage for officers' horses and quartermasters' animals, and cavalry horses, $20,662; subsistence for troops, $270,000; clothing for the troops, $200,000; camp and garrison equipage, $18,267.72; supplies for the Quartermaster's Department, $76,160; fuel for troops and hospitals, $59,997; Medical and Hospital Department, $20,000.

SEC. 2. *And be it further enacted*, That the additional sum of $860,228.45 is hereby appropriated for the support of 2,000 additional troops to be called into the service of the Confederate States for twelve months, at Charleston, S. C., whenever in the discretion of the President their services may be required.

Approved March 11, 1861.

AN ACT making appropriations for the support of the Regular Army of the Confederate States of America for twelve months, and for other purposes.

The Congress of the Confederate States of America do enact, That the following appropriations are made for the support of the Regular Army for twelve months, viz: For expenses of recruiting and for transportation of recruits, $192,500; pay of the Army, $2,070,484; forage for officers' horses and for cavalry and light artillery horses, $107,200; subsistence for troops, $912,500; clothing for the Army, $648,780; camp and garrison equipage, $60,000; supplies for the Quartermaster's Department, consisting of fuel for the officers, enlisted men, guards, hospitals, store-houses, and offices; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department, at the several posts and stations and with the armies in the field; of postage on letters and packets received and sent by officers of the Army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation of judge-advocates, recorders, members and witnesses, while in that service; extra pay to soldiers employed under the direction of the Quartermaster's Department in the erection of barracks, quarters, store-houses, and hospitals, for constant labor for periods of not less than ten days, including those employed as clerks; expense of interment of officers killed in action, or who die when on duty in the field, or at the posts on the frontiers, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department; compensation of clerks of the officers of the Quartermaster's Department; for the apprehension of deserters and the expenses incident to their pursuit; for the following expenses required for the regiment of cavalry and for the four batteries of light artillery, namely, the purchase of traveling forges, blacksmith's and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing; medicine for horses and mules; picket ropes, and for shoeing the horses of the corps named, $353,956. For constructing barracks and other buildings at posts which it may be necessary to occupy during the year, and for repairing, altering, and enlarging buildings at the established posts, including hire or commutation of quarters for officers on military duty, hire of quarters for troops, of store-houses for the safe-keeping of military stores, and of grounds for summer cantonments and for temporary frontier stations, for commutation of forage for officers' horses when it cannot be drawn in kind, $350,000; for mileage, or the allowance made to officers of the Army for the transportation of themselves and their baggage when traveling on duty without troops, escorts, or supplies, $35,000: *Provided*, That mileage shall not be allowed when the officer has been transferred or relieved at his own request. For transportation of the Army, including the baggage of the troops when moving either by land or water, of horse equipments, and of subsistence, from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent, of ordnance, ordnance stores, and small-arms, freights, wharfage, tolls, and ferriages, hire of horses, mules, and oxen, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels required for the transportation of supplies and for garrison purposes, for drayage and cartage at the several posts, hire of teamsters, transportation of funds for the disbursing departments, the expense of public transports on the various rivers, the Gulf of Mexico, and the Atlantic, $650,000; for the purchase of horses for the regiment of cavalry and four batteries of light artillery,

$163,200; contingencies of the Army, $15,000; for the medical and hospital departments, $75,000; contingencies of the Adjutant-General's Department, $600; armament of fortifications and purchase of light artillery, $250,000; purchase, manufacture, and alteration of small-arms, $450,000; for ordnance, ordnance stores, and supplies, including horse equipments for the regiment of cavalry and for light batteries, $199,540.

SEC. 2. *And be it further enacted*, That the Secretary of War, under the direction of the President, be, and he is hereby, authorized to apply any portion of the appropriations made by this act to the support of the provisional forces which may be called into service, whenever in his opinion the same may be necessary.

Approved March 11, 1861.

AN ACT making appropriations to carry out the provisions of "An act to provide for the public defense."

The Congress of the Confederate States of America do enact, That to enable the President to carry into effect the provisions of the act of the Congress of the Confederate States entitled "An act to provide for the public defense," and to provide for the pay, subsistence, and transportation of such volunteer forces as may be called into service by authority of the said act, the sum of $5,000,000, or as much thereof as may be necessary, be, and the same is hereby, appropriated from any moneys in the Treasury not otherwise appropriated.

Approved March 12, 1861.

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*Indorsement of the election of the President and Vice-President of the Confederate States.**

Resolved, That the election of Jefferson Davis, President, and Alexander H. Stephens, as Vice-President, of the Provisional Government of the Confederate States of America meets with the approval of this convention, and the same is hereby fully ratified by the people of Alabama.

SAVANNAH, *March 12, 1861.*

Hon. L. P. WALKER,
Secretary of War:

I will furnish you two regiments of 1,000 each as soon as they can possibly be organized.

JOSEPH E. BROWN.

SAVANNAH, GA., *March 12, 1861.*

Hon. L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: I have had the honor to receive your telegram to me at Milledgeville, which has been forwarded to me at this place, asking for 2,000 men for the service of the Confederate States; also your letter

* From Journal of the Alabama Convention, March 12, 1861.

upon the subject of the organization of the Army. I am disposed to do all in my power to facilitate the action of the Government of the Confederate States in its preparation for the common defense. As the Georgia convention instructed me to raise two regiments of regulars for the service, which were expected to be turned over to the common Government, I have desired to know their status before taking further action to raise troops. I have appointed the officers for the two regiments and they are now actively engaged enlisting soldiers. There are about 200 enlisted for one regiment and 250 for the other, and recruits are coming in daily. I desire to know whether you will accept these regiments with all the officers appointed by me and will receive the men now enlisted as part of the 2,000 required, and permit the officers not necessary to the immediate command of the number of men now in the regiments to continue to enlist in Georgia till the regiments are full, when the whole will remain in the service of the Confederate States during the term of their enlistment at least. I cannot, in justice to the privates who have enlisted, tender the regiments unless they are received with the officers which I have appointed, as the recruits have nearly all been obtained by the officers appointed from civil life, with the understanding that they are to go under them. May I ask to be informed, plainly and explicitly, of the terms on which the regiments will be received, and whether they will now be received, as far as enlisted, as part of the 2,000 men now called for? The regiments could, I think, soon be filled by the recruiting officers in the State, and the officers will inform you that they are excellent, able-bodied recruits. If you accept them upon the terms above mentioned they are now at your service and subject to your order. For the present I do not desire to publish a general order of the character mentioned in your letter.

I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

AN ORDINANCE to ratify and adopt the Constitution of the Confederate States of America.

Be it ordained by the people of Alabama in convention assembled, That the Constitution framed and adopted on the 11th day of March, 1861, by the deputies from the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, in convention assembled at Montgomery, Ala., be, and the same is hereby, approved, ratified, and adopted as the Federal Constitution for the people of Alabama.

Done in convention on the 13th day of March, 1861.

WILLIAM M. BROOKS,
President of the Convention.
A. G. HORN,
Secretary of the Convention.

I, P. H. Brittan, secretary of state of the State of Alabama, hereby certify that the above is a true copy of an ordinance entitled "An ordinance to ratify and adopt the Constitution of the Confederate States of America," as taken from the original now on file in my office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at Montgomery, Ala., this the 1st day of June,

A. D. 1861, and of the Independence of the Confederate States of America the first year.

P. H. BRITTAN,
Secretary of State.

SAVANNAH, *March 13, 1861.*

Hon. G. W. CRAWFORD,
President, &c.:

SIR: Under your appointment of myself as commissioner to Maryland, I visited that State on the 18th ultimo and found in session on that day, in the city of Baltimore, a convention of her people assembled to take advisory action upon the condition of the country.

This convention, I learned, was not a legally constituted body, authorized to take definite and binding action, but was a voluntary assemblage of the people, which had no power to commit their State to any line of policy. I did not, therefore, feel authorized under the ordinance of your body prescribing the duties of your commissioner to lay before them the action of our State, or to hold any intercourse with them of an official character. I visited the convention, unofficially, and, being invited to a seat on their floor, attended the meetings of the same during the two days of their session. I found the members of that convention, comprising, as it did, a number of the best men and highest talent of the State, while they thought the cotton States had acted with undue haste and precipitancy, almost unanimous for resistance to Black Republican rule, and determined to co-operate with the seceding States in the event that Virginia should determine to withdraw from the Federal Government. The situation of Maryland geographically is such that, however mortifying it may be to her gallant sons, she is compelled to direct her action in concert with Virginia, that State and North Carolina lying immediately between her and the cotton States.

The convention, after a session of two days, adjourned to reassemble on the 12th instant, unless in the interval Virginia should take decided action, in which event they were to immediately reassemble for binding and definite action. Before adjourning, however, that body passed the following resolutions:

The committee on resolutions, through their chairman, Hon. Robert McLane, submitted to the convention the following resolutions:

"Whereas, it is the opinion of this meeting that in the present alarming crisis in the history of our country it is desirable that the State of Maryland should be represented by judicious, intelligent, and patriotic agents, fully authorized to confer and act with our sister States of the South, and particularly with the State of Virginia;

"And whereas, such authority can be conferred solely by a convention of the people of the State;

"And whereas, in the opinion of the meeting, the Legislature not being in session, a full and fair expression of the popular will is most likely to be heard by a convention called by a recommendation of the Executive;

"And whereas, it is alleged that the Governor now has it in contemplation to recommend by proclamation such a movement in the event of a failure by the Peace Conference and Congress to effect any satisfactory solution of the vexed question now agitating the country: Be it therefore

"*Resolved*, That we shall approach such a proceeding on the part of the Governor, and add the voice of this convention to urge the voters of this State to regard such proclamation. And with a view to allow time for the action of the Governor in the matter, the convention will adjourn until the 12th day of March next, unless intermediately the State of Virginia should by her sovereign convention secede from the Union; in which event, and in case the Governor of the

State shall not have then called a sovereign convention of the people of this State, this convention shall at once assemble at the call of the president, with a view of recommending to the people of this State the election of delegates to such a sovereign convention.

"*Resolved further*, As the sense of this convention that the secession of the several slave-holding States from the Federal Union was induced by the aggression of the non-slave-holding States, in violation of the Constitution of the United States.

"*Resolved further*, That the moral and material interest and the geographical position of this State demand that it should act with Virginia in this crisis, co-operating with that State in all honorable efforts to maintain and defend the constitutional rights of its citizens in the Union, and failing in that, to associate with her in confederation with our sister States of the Union.

"*Resolved further*, That the honor of this State requires that it should not permit its soil to be made a highway for Federal troops sent to make war upon our sister States of the South, and it is the opinion of this convention that an attempt on the part of the Federal Government to coerce the States which have seceded would necessarily result in civil war and the destruction of the Government itself."

On the 25th of February I visited for the third time Annapolis, the seat of government (having failed, while there on a former visit on the 21st, to meet the Executive), and waited upon Governor Hicks, and after a personal interview and pretty free interchange of opinion with His Excellency, I handed to him the ordinance of secession with which I was intrusted, and also a written communication in which I endeavored to justify and explain the action of the State of Georgia; and attempted to show that the material interests of Maryland would be greatly promoted and advanced by her co-operation with the seceding States. To this communication (copy of which is hereto attached) I have received no reply, although, upon a suggestion of Governor Hicks that he would favor me with a reply at his earliest convenience, I waited for two days to receive such communication as he should be pleased to make to your body.

In the absence of any written reply to my note of the 25th ultimo I can only give to your honorable body the result of the personal interview I had with the Governor, and I regret to say that I found him not only opposed to the secession of Maryland from the Federal Union, but that if she should withdraw from the Union he advised and would urge her to confederate with the Middle States in the formation of a central confederacy. He also informed me that he had already, in his official character, entered into a correspondence with the Governors of those States, including New York, Pennsylvania, New Jersey, Delaware, Virginia, Missouri, and Ohio, with a view, in the event of an ultimate disruption of the Federal Union, to the establishment of such central confederacy. He thought our action hasty, ill-advised, and not justified by the action of which we complain, and that we were attempting to coerce Maryland to follow our example; that he had great confidence in the Peace Conference then in session in Washington, and had assurances that that body would agree upon a plan of adjustment that would be entirely acceptable to Maryland; that the proposition before the conference known as the Guthrie plan was a fair and proper basis of compromise and settlement. He also informed me in the course of our interview, and in answer to a direct inquiry from me on that point, that in the event of the Federal Government's attempting to coerce the seceding States he would interpose no objection to the marching or transporting of troops through his State and their embarkation at Baltimore by the Federal Government for that purpose; that as Chief Magistrate of the State he had no power to prevent it, as it would not be an

invasion of his State, and that he would not convene the Legislature under such circumstances that they might take action in the premises. These opinions and views of the Governor I have reasons to believe are not entertained by a majority of the people of Maryland. Indeed, I have no doubt that the people there would spontaneously rise en masse and resist the invaders, though it encrimsoned their soil with the best blood of the State. The people, then, in my humble judgment, are true to the memories of the past. They are a gallant, patriotic, and brave people, whose feelings and sympathies are warmly enlisted in our cause, and although some of them do entertain the opinion that we have, perhaps, acted precipitately, they acknowledge that our action is fully justified by the events of the past, and declare their determination to assist us, if need be, in sustaining our independence. It is greatly to be regretted that such a gallant people should be prevented by their own officials, however high they may be, from giving an authoritative expression of their conviction, and of taking such action as in their judgment the affairs of the country demand. Without the consent of Governor Hicks neither the Legislature nor an authorized convention can be assembled, and I have no hesitancy in stating that he will never convene either. If Virginia shall withdraw from the Union the people of Maryland will, in the shortest possible period of time, assume the responsibility, assemble in spontaneous convention, and unite their destinies with the Confederate States of the South.

In conclusion I would respectfully add that this communication would have been made at an earlier day but that I waited, hoping to receive an answer from Governor Hicks, before I laid before your body the result of my mission.

I have the honor to be, very respectfully, your obedient servant,

A. R. WRIGHT.

[Inclosure.]

ANNAPOLIS, MD., *February 25, 1861.*

His Excellency THOMAS H. HICKS,
Governor, &c.:

SIR: I have the honor herewith to inclose to Your Excellency a copy of "an ordinance to dissolve the union between the State of Georgia and other States, under a compact of Government entitled 'The Constitution of the United States of America,'"* passed by the people of Georgia in convention recently assembled at the capitol in Milledgeville; also a copy of an ordinance passed by the same body for the appointment of commissioners to each of the non-seceded slave-holding States,† together with my appointment as the commissioner of Georgia to the State of Maryland.

The ordinance creating the office I have the honor to hold makes it a part of my duty to urge upon the State of Maryland the policy of withdrawal, or secession, from the power known as the United States, and co-operation with the State of Georgia and other independent Southern States in the formation of a new confederation and union, for the mutual defense, protection, and welfare of the Southern States, and for the promotion of the happiness of their citizens.

The people of Georgia have labored for years past with anxious solicitude for the preservation of the Federal Union, and have made

*See January 19, p. 70.
†See ordinance of January 18, section 7, p. 57.

many sacrifices, both of rights and of honor, to avoid the dire necessity of resistance to Federal encroachments and Northern insults and injuries. This pacific and yielding policy of her people has been received at the North as merely increasing evidence of our weakness and utter dependence upon the Federal Union for protection and happiness.

It cannot be denied that for more than thirty years the Northern people have been waging a violent, inflammatory, and wholly unjustifiable war upon the institution of domestic slavery as it exists in the Southern States—an institution which underlies our whole social system, and upon the perpetuity of which depends in a large degree the wealth, prosperity, and general welfare of the entire South.

First commencing their attacks upon slavery in the States, they continued their assaults until the united South, assisted by a large and respectable portion of the people of the non-slave-holding States, with common intent, met at the ballot boxes of the country and overwhelmed them with defeat and shame. The old Abolitionist party proper never commanded the respect nor received the support of any considerable number of the Northern people; and hence their attacks, although highly insulting and highly aggravating in their character, and clearly violative of their constitutional obligations, were harmless, except so far as they tended to inflame the passions, arouse the jealousies, and excite the hatred of the Southern mind.

The people of Georgia, while they have ever abhorred the canting philanthropy and the religious intolerance and treasonable machinations of the Abolitionists, have heretofore cherished a kindly and fraternal regard, and on all suitable occasions have manifested a warm and cordial appreciation, of the intelligence, virtue, and patriotism of the great body of the Northern people who have in the past so nobly breasted the popular clamor and blind fanaticism of their own section in defense of the constitutional rights of the South.

The increase of our public domain acquired by our contest with Mexico—a contest in which, without disparagement to any, it may be said that the South contributed as much of men and of means, and shared as much of the common glory won upon those ensanguined battle-fields, as any other portion of the Confederacy—gave birth to new organization, which sprang from the dead body of Abolitionism, having for its avowed object the preservation of this acquisition from what they were pleased to term the "blasting effects of involuntary servitude."

Disappointed office hunters, ambitious politicians, and corrupt demagogues found here a common ground from which to make their assaults upon the Constitution and the Union, and by which they were borne into importance and power. The result of the recent Presidential election has shown but too well the sagacity of their movement and the success of their organization, had we not been already convinced of their power—and their power for harm—by their absolute control of the State governments of the entire anti-slavery portion of the Confederacy. Contemporaneous with the success of this corrupt and treasonable organization has been the melting away of the old conservative element there, until it has ceased to be able to make itself potent for the preservation of our constitutional rights.

It is hardly necessary that I should attempt to enumerate the several acts of this new organization, for "they are read and known of all men," which have impelled the people of Georgia to the extreme

measure of a total dissolution of the bonds by which they were joined and confederated with the States of the North in a common Government. They have passed laws insulting and oppressive to us, and in open violation of the express letter of the Constitution; they have sought by acts of the Federal Congress to deprive us of all right to participation in the settlement of our common Territories; they have set on foot and organized emigrant-aid societies for the purpose of sending foreign and pauper immigrants into the Territories of the Union to crush out and prevent immigration to those Territories from the Southern States; they have enticed from service our slaves, and refused, though the demand was made upon a clear and indisputable provision of the Constitution, to deliver them up to the lawful possession of their owners; they have with force and violence rescued our slaves from the possession of their masters who have been, with their families, temporarily sojourning in the Northern States; they have unlawfully torn from Southerners who have been forced by stress of weather to touch at their ports their entire property in domestic slaves, and their courts of justice (so called) have sustained them in the robbery; they have attempted by inflammatory and incendiary appeals made through the public presses to incite our slaves to rebellion and insurrection; they have refused to render up for trial fugitives from justice flying from crimes committed at the South whenever the crimes with which they were charged were committed in relation to slavery, although the Federal Constitution declares it their duty so to deliver them up; they have invaded the soil of a sister Southern State with an armed force for the purpose of exciting insurrection, and have murdered in cold blood her quiet citizens; they have refused to deliver up for trial individuals charged with being accessory before the fact to such invasion, insurrection, and murder; they have, in their State Legislatures, passed laws making it felony, and punishable with imprisonment for terms extending from two to fifteen years, for a master to assert upon their soil his rights to a fugitive slave; and finally, they have, by a combination of all the elements of antagonism to Southern institutions in the non-slave-holding States, succeeded recently in the election of Abraham Lincoln to the Presidency of the United States upon a platform of principles alike sectional in their character and dangerous to the peace, welfare, and domestic tranquillity of the slave-holding States.

With these startling facts before our eyes, what reasonable hope can be entertained that the Northern mind will undergo a change—will yield its prejudices? Can it be expected that a party which has been so long struggling for power upon an issue so interwoven with their religious fanaticism will, in the full flush of their first and most decided victory, renounce the principles and deny the faith which has alone secured them place and power? They know but too well that utter ruin and disgrace at home would follow close upon any adjustment or compromise which they might make that would be satisfactory to the South. The long-gathering and destructive political storm which has recently swept the North from Maine to Minnesota is but an earnest of the deep hatred and determined hostility of their people to our institutions. And now that the first shock of the tornado has been received, and its fury spent upon our heads, is there yet discernible any indication of returning calm and quiet? Who has been able up to this moment to discern a single ray of hope in the dark and lowering Northern horizon? What dove of promise

has discovered the "dry land and the olive branch" in that great sea of intolerance and hatred?

The very existence of the Republican party is depending upon their firm and unwavering determination to enforce by all possible means the policy of crushing out African slavery in all its conditions and in all its strongholds. The irrepressible conflict with them is just begun. Their mission is to annihilate slavery from the American continent and to know no diminution of their labor until that object is accomplished. Do the Northern people intend to retrace their steps? Then why, as State after State has fallen from the Union, as star after star has been blotted from their flag, have they not long ere this given us an earnest of their desire for conciliation and compromise?

With a commanding majority in both branches of the National Legislature, the Northern States have failed and refused to take any action which would lead to the least surrender of their treasonable designs or afford the slightest encouragement to the Southern mind of their willingness to perform in good faith their constitutional obligations. Weeks and months have been passed in the Federal capital by the representatives of the Nation, and not a single indication of returning wisdom has been given to our people. And while the whole powers of the Federal Government have been taxed to their utmost limits in efforts to intimidate and coerce the Southern people, the subject of their grievances has been kept buried in the committee rooms of both Houses of Congress, while day after day have our representatives urged—nay, implored—immediate and pacific action. The Executive at Washington, as the storm gathered close and thick around him, has discarded his long-tried and faithful advisers and has called to the supreme control of affairs, both civil and military, a disappointed, ambitious military chieftain, whose only merit for such a trust is his partiality for soup and slaughter and his hatred of Southerners and slavery.

And even now, when seven sovereign States have withdrawn from all connection with the Federal Government, when the entire South is alarmed and irritated by the success of the Republicans, they attempt to allay their fears and quiet their apprehensions by a display of military force at and around Washington and the adjoining States of Maryland and Virginia, wholly incompatible with the safety of those States and utterly destructive to their liberties. These are the overtures of peace extended to us by the Northern Federal Government—Scott and scorpions, cannon and cartridge.

But could the South in safety again rely upon the pledges of the North were they in the possibility of events to be offered anew to us? What paper writing more solemn, what instrument so sacred, what compact so clear, what compromise so just as the Constitution of the United States? Yet they have violated its spirit, broken its letter, and destroyed its vitality. By what bonds can such a people be held? They ignore the Bible, violate oaths, nullify the laws, and pharisaically call upon Jehovah to guide and support them in their infamous course. These are a few only of a long series of acts of hostility to the institutions of her people that have forced the State of Georgia to dissolve forever her connection with the Federal Government and to declare herself what of right she is, and ought to be, a free, sovereign, and independent State.

Georgia feels that she has not alone suffered wrong and injustice from the Northern States. Neither is it her individual wrong only which has caused her recent action. She feels intensely the wrongs

done and injuries inflicted upon her sister Southern States, and while it is true that her people have perhaps suffered less in some respects than the people of Maryland and the entire border Southern States, she no less makes their wrongs her wrongs and their cause her cause, and is prepared to take common action with her sister States for the preservation of their common liberties and the defense of their common rights at all hazards and to the last extremity.

The right of Georgia to secede from the Federal Union for existing causes she does not admit to be a debatable question. As a sovereign State she threw off her allegiance to Great Britain in 1776. As a sovereign independent State, in 1788, she ratified and adopted the Federal Constitution; and as a sovereign State she has now repealed and annulled her former adoption and ratification of that Constitution and has set up for herself an independence and equality among the nations of the earth which she expects and demands shall be clearly and explicitly recognized and admitted. Still, recalling the blessings enjoyed, the wealth, power, and happiness conferred upon her people in the earlier days of the Republic under the operation of the Federal Union and the Constitution as expounded and enforced by the patriot fathers of those days, she is anxious to associate herself with the slave-holding States in a new confederated republic upon the basis of the old Union, and has elected delegates to represent her people in a Southern convention now assembled at the city of Montgomery, in the State of Alabama, for the purpose of organizing a provisional government for the seceding States and the adoption of a constitution and the establishment of a more perfect union among her several sister Southern States.

In this great work of reorganization she cordially invites the co-operation and assistance of the State of Maryland. She is not unmindful of the past history of your noble State, neither has she forgotten the proud names that cluster in undying glory upon the broad pages of your State's history. The people of Georgia feel a just and proper pride in the fame, the virtue, the intelligence, and patriotism of your statesmen, while the courage and bravery of your sons in the field have made their names as familiar to her people as "household words." The past of Maryland gives strong encouragement to Georgia to hope that, in the present trying exigency in which she, with her Southern sisters, from no fault of their own, find themselves placed, your gallant State will, though slowly it may be, yet surely, be found side by side with the firmest in determined resistance to Black Republican rule. Maryland owes this to herself no less than to the other Southern States. The wealth, population, and commercial importance of her great metropolis, Baltimore, point out that city as the great commercial and financial center of the Southern Republic. Under the oppression and unequal administration of the present Federal Government she has maintained the third rank in the list of American cities. That she has natural and artificial advantages equal, if not superior, to New York and Philadelphia is plain to the commonest observer. Under a friendly, or even a fair, system of government, she would soon take rank among the first cities of the world. As long as Maryland continues a dependency upon the Northern Federal Government restrictions, limitations, and discriminations will continue to be made against her commercial interests and prosperity. Baltimore, from her natural advantages, no less than from her varied and extended commercial relations with the civilized world, will become the great importing agent for the entire

South, whilst her facilities for and her great proficiency in the art of ship building will make her the carrier of our immense productions of rice, grain, cotton, and sugar.

I cannot attempt in this place to point out fully all the material advantages to be gained by your State by a cordial co-operation with the seceding States, nor do I think it proper or becoming in me, as the representative of Georgia, to urge your action upon such sordid and selfish considerations.

Georgia knows and feels the great embarrassments which surround the State of Maryland, and which render her position a critical and, it may be, a dangerous one. Still, she feels that the descendants of Chase, of Carroll, and of Hanson and McHenry can never be long deterred from proper action by a consultation with their fears. Georgia is fully informed of the ample preparations made by the Federal Government to enforce from Maryland, even at the point of the bayonet, if need be, obedience to her will. She regrets that the seeming doubtful policy of your State and her hesitation in taking a prompt and decided position with her Southern sisters in demanding redress of her grievances has entailed upon her people the armed occupation by the Federal troops of the fortresses within her borders which were designed and constructed for her safety and defense. We are sensible that your position now is far worse than it was a few weeks past; that the Federal Government, anticipating your probable action in defense of your liberties, has, with a view to crush in its incipiency any feeling of resistance to her foul domination, placed cords about you that will be difficult to sever. Yet the danger of your position only increases our solicitude for your future action. While Georgia would not desire, much less advise, your State to inaugurate any movement which should unnecessarily increase your difficulties and dangers, she is nevertheless anxious that you should be permitted to act entirely free from Federal influence and Federal arms.

To this end she authorizes me to declare to you, and through you to the people of your noble State, that to the full extent of her ability she is determined to assist and support you in any action which your State may decide to adopt for the preservation of your rights and liberties. Your cause Georgia makes her cause, your quarrels her quarrels, and your dangers her dangers. The report of the first Federal gun fired upon your soil, as it falls upon the ears of our hardy sons, will call to your side, from their forest homes upon mountain top and lowland, a body of freemen whose valor and prowess will make them no mean match for Federal mercenaries.

The State of Georgia has taken her position after a full and careful consideration of all her grievances and difficulties, and with a full knowledge of the many embarrassments to be encountered in her new character; yet she is determined to take no step backward. Having dissolved the ties which bound her to the Federal Union, she casts no longing eyes toward the past. There is now no more "hankering after the fleshpots of Egypt" among her people. Having for years past interceded—nay, implored—our Northern confederates for simple justice; never having at any period of our history ever asked for special privileges for our section; having plainly and fairly informed the Northern States of our determination to resist, even to a disruption of the Union, all other and further encroachments upon our rights, we feel that we shall be fully justified by the enlightened public sentiment of the civilized world in the action we have taken.

We have determined to listen to no more compromises with the Northern States. They have proved faithless in all their pledges heretofore given, and we can have no assurance from such a people that they would carry out any offer or settlement which may through their fears be now extorted from them. Georgia warns Maryland against any patched-up adjustment of existing difficulties. While Maryland would feel bound in honor to abide such adjustment in good faith if made, her Northern confederates would, upon the first occasion which promised advantage to their cupidity, entirely disregard and violate their compact.

Even if the slavery question were now settled to the entire satisfaction of her people, Georgia would be unwilling again to confederate with a people whose views of the power of the Federal Government are so entirely different from her own. While a member of the late confederacy, she did not yield her sovereignty as a free and independent State except so far as was granted by the express letter of the Constitution.

The power of the Federal Government, she has always contended, was restricted, limited, and confined within the letter of that instrument. In the opinion of our people, the framers of the Constitution rested its support and power upon the consent of the people of the different confederated States, and never contemplated the employment of force against a sovereign State to coerce its submission to or continuance in a confederation deemed by its people oppressive and tyrannical. Our fathers had but too recently felt the necessity which forced a loyal and true people to throw off a government which proudly claimed to be the only power on the globe whose citizens were secured in the enjoyment of constitutional liberty. With the experience of the then recent past the statesmen of 1788–'89 looked with far-seeing sagacity to the possibility of the loss of their liberties so dearly won, unless the new government about to be adopted for their protection should be so limited and confined in its powers and so arranged in its details as to receive its entire force, efficacy, and power from the enlightened public sentiment of the country; the full, free, and cordial assent of the governed. This has always been the view entertained at the South in regard to the powers of the Federal Government. Indeed, one of the New England States, one which now denies the sovereignty of the several States, and is urging the Government at Washington to use the power of the Army and Navy to reduce to subjection the seceding Southern States, on no less than two occasions in its past history has claimed for itself the right to judge of the infractions of the Federal Constitution, and to assert its right and duty to dissolve all further connection with the Federal Union. The doctrine of State rights and State sovereignty, as enunciated and declared in the "Virginia-Kentucky" resolutions of '79, we have held to be the chief safeguards of the liberties of the American people. For the first time in our national history this doctrine has been ignored and denied by a commanding majority of the States of the Union.

Our safety requires that we should look now alone to our own efforts and resources for the protection of our liberties and property so emphatically denied to us by our Northern associates.

Maryland, in the opinion of Georgia, cannot with safety to her citizens continue longer in confederation with the States of the North. And while we would not attempt to advise a people of such known intelligence and patriotism as to their duty in this trying emergency,

the fraternal regard we have ever borne toward your State, and the deep solicitude which as brethren sprang from the same ancestry, with institutions so identical and interests so reciprocal, impels us to give you our solemn warning of the dangers which surround you, and which threaten, in our honest judgment, to destroy your domestic institutions and impede the prosperity and wealth of your noble State.

Having with the kindest feelings and purest motives done this, we are content to leave the issue to the good sense and patriotism of your people.

Very respectfully, your obedient servant,

A. R. WRIGHT,
Commissioner from Georgia.

OGLETHORPE, GA., *March 13, 1861.*

Hon. GEORGE W. CRAWFORD,
President of the Convention, Georgia:

DEAR SIR: Having been honored by the convention of the people of Georgia with the appointment of commissioner to North Carolina, to lay before the convention or Legislature of that State, if either should be in session, and if not, before the Governor, the ordinance by which Georgia seceded from the late Government of the United States, and to invite the co-operation of North Carolina, with her and other States that had seceded or might secede, in the formation of a Southern confederacy, I took my departure early in February last and reached Raleigh on the 11th of that month. On that day I waited upon His Excellency John W. Ellis, the Governor of the State, and made known to him my appointment and the purpose of my mission. He received me with cordiality and entered into the purposes of this State with a cheerfulness and spirit which convinced me that the people of his State still held us in high regard and cherished for us sincere respect and esteem. The Legislature being in session, His Excellency promptly communicated to them my commission, with the accompanying ordinance of secession. In response to this communication the General Assembly, by a vote of both houses, appointed a joint committee to wait upon me to tender the privilege of the floor and invite me to address that honorable body upon the subject of my mission. Every hospitality was offered and every attention was paid to your commissioner. Individually I appropriated none of this to myself, but received it as a mark of respect to my State.

Having accepted the invitation extended to me to address the General Assembly, I was on Wednesday evening, the 13th of February, introduced to them by the chairman of their joint committee. Encouraged by the assurance given me in this introduction that the Legislature and people of North Carolina admitted and "knew that the wrongs of which we complained were their wrongs;" "that the cause for which we were battling and preparing, if need be, to sacrifice our lives, was their cause;" that they recognized us as "their kindred" and "would never turn a deaf ear to the voice that came up from us," I proceeded to deliver an address setting forth the causes which led to our separation, justifying, according to the measure of my feeble ability, the mode and measure of redress we had adopted, and vindicating the right of secession as regular, lawful, and constitutional; holding that it should be therefore regarded as peaceable. Assuring North Carolina of the cordiality with which she

would be welcomed to the embrace of her ancient confederate and ally, I endeavored to persuade her that she would find her true interest, prosperity, and honor in uniting her destiny with the "Confederate States of America." That the affection of the members of her Legislature and the large audience of her sons and daughters that honored me with their presence is still warm and strong for their former sisters, whose safety and honor required them to resume the powers delegated to a Government which has failed to secure the one or regard the other, I had still more flattering and encouraging proof in the indignant and universal negative response made to the question propounded, "whether they would see Federal troops march from or through their State to coerce and attempt to subject their Southern brethren."

In response to this address I was charged by the General Assembly, through their accredited organ, the Hon. Henry T. Clark, speaker of the Senate, to bear this message to the people of Georgia:

> After giving this momentous question our best and most anxious deliberation, we have referred it to the sovereign people in convention assembled. Their judgment and decision will form the guide of our faith and the rule of our conduct, and to that tribunal alone can we look for any authorized response to the friendly counsels and suggestions of our fellow-suffering sister State. But without reference to the amount of our sympathy or the extent of our co-operation with her in her present struggle, we will at least assure her that no hostile foot shall ever march from or through our borders to assail her or hers.

I take the liberty of transmitting, through you, to the convention a copy of the remarks I had the honor to submit on the occasion.*

What seemed to me the greatest obstacle to the immediate co-operation of North Carolina with the Confederate States was the belief entertained by the larger number of her citizens that the Peace Conference (so called), then in session at Washington City, would grant the demands for new guaranties in the Constitution made by Virginia and North Carolina; that their recommendation would be sanctioned by the Congress of the United States and adopted by the requisite majority of the States remaining in the old confederacy to make it a part of the Constitution, and that upon this basis an entire reconstruction of the Union would be effected.

In combating this view I ventured the opinion that, so far as the action of the Peace Conference and Congress was concerned, this confidence would be disappointed; but even if it was fully met and sustained it would not be acceptable to the States that had seceded; that they had no objection to the old Constitution, which, when properly interpreted and fairly carried out, was adequate to secure all the objects for which it was formed; that there could be no more solemn or binding covenants than those contained in that instrument. The fault was not in the law, but in its execution. We could not expect the Northern people to observe new compacts better than they had observed the old; that they would have to be re-educated; their morals would have to be reformed and their very natures changed before we could again give them our confidence. That so far as we were concerned the separation was "final and irrevocable," and the people of North Carolina were therefore reduced to the necessity of choosing between an alliance with the North or with the Confederate States of America. I was fully justified in my statement as to the disposition of our people to reconstruct by the declaration made by the

* Omitted.

able commissioner sent by the Legislature of North Carolina to the Southern Congress at Montgomery, who reported, from ample means of information, contemporaneously with my arrival at Raleigh, that the persons in the Confederate States in favor of such a measure constituted an exceedingly meager minority. That I was right as to the action of Congress and the Peace Conference subsequent events have fully established.

I have delayed this communication that I might lay before the convention the result of the election which took place in North Carolina on the 28th ultimo.

The question submitted to the people by the act of the Legislature was whether they would call a convention. Those voting for a convention were generally understood to be in favor of separate State action as a step preparatory to co-operation with their Southern sisters. The short time that elapsed between the passage of the act and the election precluded the possibility of anything like a thorough canvass of the State; in fact, it is only within the last ninety days that the subject began to be agitated in public meetings. The friends of separate State action were then few, but now they number nearly 50,000. Their defeat in the recent election by a popular majority of less than 1,000 gives us no reason to feel discouraged. The election occurred on the day after the Peace Conference adjourned; and I am informed from sources entitled to the highest credit that the result was brought by dispatches sent to the central and western portions of the State announcing that the conference had agreed upon a satisfactory adjustment, which would certainly be adopted by Congress. If such means were resorted to we can only calculate with greater certainty upon the reaction which will occur in popular sentiment; indeed, it is now said that the reaction has already taken place, and that the advocates of separate State action and an alliance with the South have a decided majority of the suffrages of the State. A delegate to that conference, who prior to its meeting was an ardent friend of the Union, has since his return stated to his constituents that their propositions for amendments to the Constitution were five distinct times voted down by large majorities, and that in lieu thereof (as is apparent to every one at all acquainted with the scheme proposed) they were thereby prohibited from exercising the right they now have of going into the Territories north of 36 degrees 30 minutes north latitude with their slaves, while their right to emigrate with that species of property to the Territories south of that line will depend upon the interpretation placed upon the common law by judges deadly hostile to their interests. Insult is added to this certain exclusion by demanding the recognition by the Southern States remaining in the old confederacy of free blacks as citizens of the Northern States which they inhabit and by extending to them all the rights and privileges of citizens of the several States. This plan has rendered the fugitive-slave law (already an insufficient protection to the rights of the South) worse than a dead letter by guaranteeing payment to the owner of the slave out of the Federal Treasury whenever such a fugitive is withheld from the custody of his master by the action of a Northern mob or Northern State laws and tribunals, thus holding out a direct inducement to the Abolitionists to free the slaves of those people and to compel them to use their own means, at least in part, and in great part, too, to compensate themselves for their losses. This scheme was voted against by North Carolina, Virginia, and Missouri in the conference, and the delegate above alluded to has

advised his constituents that their only safety is in a union with their Southern sisters. I believe from all that I can learn that a very large majority of them are agreed with him as to the character of this concession, and that they only await an opportunity to give effect to his sound and patriotic advice. Delay in this respect must result in material injury to the State in the loss of its slave-holding population, with the property held by it, which will seek safety by emigrating to and settling in the Southern Confederate States. Under these circumstances I cannot doubt that an opportunity will be afforded at an early day to the people to vote again on the subject; and when the vote is taken I have still less doubt of what will be the popular verdict. I therefore confidently anticipate in a very short time the co-operation desired and invited by Georgia, and that we shall have the happiness of welcoming, with open arms and joyful hearts, our honored and loved sister to our new and better union.

I have the honor to subscribe myself, very respectfully, your obedient servant,

SAMUEL HALL.

[MARCH 13, 1861.—For Moore to Walker, in relation to organization of troops in Louisiana, see Series I, Vol. LIII, p. 636.]

[MARCH 13, 29, and APRIL 5, 12, 13, 1861.—For correspondence between Walker and Duncan, in relation to a regiment of Kentuckians, see Series I, Vol. LII, Part II, pp. 26, 31, 35, 43, 46.]

AN ACT amendatory of an act for the organization of the staff departments of the Army and an act for the establishment and organization of the Army of the Confederate States of America.

The Congress of the Confederate States of America do enact, That the Adjutant and Inspector General's Department shall consist of two assistant adjutants-general with the rank of lieutenant-colonel, two assistant adjutants-general with the rank of major, and four assistant adjutants-general with the rank of captain.

SEC. 2. *Be it further enacted*, That there shall be added one brigadier-general to those heretofore authorized by law, and that any one of the brigadier-generals of the Army of the Confederate States may be assigned to the duty of Adjutant and Inspector General at the discretion of the President.

SEC. 3. *Be it further enacted*, That the Quartermaster-General's Department shall consist of one Quartermaster-General with the rank of colonel, one assistant quartermaster-general with the rank of lieutenant-colonel, four assistant quartermasters with the rank of major, and such other officers in that department as are already provided by law.

SEC. 4. *Be it further enacted*, That the Commissary-General's Department shall consist of one Commissary-General with the rank of colonel, one commissary with the rank of lieutenant-colonel, one commissary with the rank of major, and three commissaries with the rank of captain, and as many assistant commissaries as may from time to time be required by the service may be detailed by the War

Department from the subalterns of the line who, in addition to their pay in the line, shall receive $20 per month while engaged in that service.

SEC. 5. *Be it further enacted*, That in all cases of officers who have resigned, or who may within six months tender their resignations from the Army of the United States, and who have been or may be appointed to original vacancies in the Army of the Confederate States, the commissions issued shall bear one and the same date, so that the relative rank of officers of each grade shall be determined by their former commissions in the U. S. Army, held anterior to the secession of these Confederate States from the United States.

SEC. 6. *Be it further enacted*, That every officer, non-commissioned officer, musician, and private shall take and subscribe the following oath or affirmation, to wit: I, A B, do solemnly swear or affirm (as the case may be) that while I continue in the service I will bear true faith and yield obedience to the Confederate States of America, and that I will serve them honestly and faithfully against their enemies, and that I will observe and obey the orders of the President of the Confederate States and the orders of the officers appointed over me, according to the Rules and Articles of War.

SEC. 7. *Be it further enacted*, That all laws and parts of laws militating against this act be, and the same are hereby, repealed.

Approved March 14, 1861.

A RESOLUTION accepting certain funds tendered to the Confederate States by the State of Louisiana.

Whereas, the convention of the State of Louisiana has adopted an ordinance as follows, to wit:

AN ORDINANCE to transfer certain funds to the Government of the Confederate States of America.

SECTION 1. *It is hereby ordained*, That the sum of $389,267.46, now in the hands of A. J. Guirot, State depositary, and known as the "bullion fund," be transferred to the Government of the Confederate States of America, and that said depositary be, and he is hereby, authorized and instructed to pay said sum upon the order of the Secretary of the Treasury of said Confederate States.

SEC. 2. *It is further ordained*, That the sum of $147,519.66. being the balance received by said State depositary from the customs since the 31st day of January last, be transferred to said Government and paid by said depositary upon the order of said Secretary of the Treasury of the Confederate States.

Be it therefore resolved by the Congress of the Confederate States of America, That the Congress accepts, with a high sense of the patriotic liberality of the State of Louisiana, the funds so generously tendered to the Treasury of the Confederate States and proffered in the ordinance aforesaid.

Approved March 14, 1861.

BATON ROUGE, *March 14, 1861.*

L. P. WALKER,
Secretary of War:

Your letter of 9th received. Will be attended to. Do you expect one or three years' volunteers? Public order will be obliged to be issued. Answer.

T. O. MOORE.

MONTGOMERY, *March 14, 1861.*

Governor THOMAS O. MOORE,
Baton Rouge, La.:

Either twelve-months' or three-years', as they may have enlisted.

L. P. WALKER.

NATIONAL HOTEL,
Washington, March 14, 1861.

Hon. L. P. WALKER:

DEAR SIR: Your telegram about a disbursing clerk duly received and attended to without delay.* I have not yet been able to find one who is properly recommended. Major Belger, of the Quartermaster's Department, in the War Office, is in search of what is wanted, and believes he can succeed in a day or two. We are feeling our way here cautiously. We are playing a game in which time is our best advocate, and if our Government could afford the time I feel confident of winning. There is a terrific fight in the Cabinet. Our policy is to encourage the peace element in the fight, and at least blow up the Cabinet on the question. The outside pressure in favor of peace grows stronger every hour. Lincoln inclines to peace, and I have now no doubt that General Scott is Seward's anxious and laborious coadjutor in the same direction. If Seward were not a coward, and would have had an unofficial conference with us, we could have strengthened his hands. His refusal forced us to precipitate the official bombshell into the Cabinet before he was ready for it. He has already had to beg for time. I repeat that I feel the strongest conviction that if time would allow we could make our mission a success. Seward wanted time as much as we did, but his lack of nerve has lost it to him and to us. Never was administration in such a dilemma. The only question is with them which of its two horns had it better be impaled over. Since the 4th of March two of the Republican illusions have exploded—first, that it was very easy to re-enforce the forts, and second, that they could collect the revenue on floating custom-houses at sea. The great danger is that from ignorance of the true state of things in the South they may blunder us into a war when they really do not mean it. I think the great problem with the Administration is how to get out of a fight without blowing up the Republican party. They believe, and we encourage the pleasant thought, that in case of war their precious persons would not be safe in Washington. With prudence, wisdom, and firmness we have the rascals "on the hip."

Very truly, yours,

J. FORSYTH.

[MARCH 15, 1861.—For resolutions of the Confederate Congress in reference to forts, dock-yards, reservations, and property ceded to the Confederate States, see Series I, Vol. LIII, p. 133.]

WAR DEPARTMENT,
Montgomery, March 15, 1861.

Brig. Gen. ROBERT E. LEE:

SIR: You are hereby informed that the President, by and with the advice of Congress, has appointed you a brigadier-general in the

*See March 5, p. 125.

Army of the Confederate States. You are requested to signify your acceptance or non-acceptance of said appointment, and should you accept you will sign before a magistrate the oath of office herewith and forward the same, with your letter of acceptance, to this Department.

L. P. WALKER,
Secretary of War.

(Same to Brig. Gen. Joseph E. Johnston.)

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 15, 1861.

His Excellency JOSEPH E. BROWN,
Savannah, Ga.:

SIR: Your communication of the 12th instant has been received. The requisition for 2,000 troops was intended for the provisional forces of the Confederate States. I beg to quote the third and fourth sections of the act of Congress to raise provisional forces, a copy of which I had the honor to inclose to you some days ago:

SEC. 3. *Be it further enacted*, That the President be authorized to receive into the service of this Government such forces now in the service of said States as may be tendered, or who may volunteer, by consent of their States, in such numbers as he may require, for any time not less than twelve months, unless sooner discharged.

SEC. 4. *Be it further enacted*, That such forces may be received, with their officers, by companies, battalions, or regiments, and when so received shall form a part of the Provisional Army of the Confederate States, according to the terms of their enlistment; and the President shall appoint, by and with the advice and consent of Congress, such general officer or officers for said forces as may be necessary for the service.

The proper interpretation of this act, it occurs to me, is that, whatever forces you now have organized in companies, battalions, or regiments, to the number of 2,000, will come into the Provisional Army as organized under your State regulations and commanded by their own officers. These forces, however, when mustered into the service of the Confederate States, without changing their organizations as companies, battalions, or regiments, or losing their officers, would be under the command of such general officer of the Confederate Government as the President might assign to that duty. So far, then, as your regiments are completed, there is no difficulty in your transferring them to this Government in whatever form of organization you may determine upon, but to receive officers without men would not be, in my view, within the scope of the law. My letter of the 9th informed you that the Government needed 5,000 troops at Pensacola with as little delay as practicable, and I expressed the hope that your State would furnish 1,000 of that number. If the officers of your State now appointed, but without commands, are to enlist their men for three years, which period I understand is the basis of your military organization, it is probable the number required would not be contributed within the time it is supposed we may need them. Under these circumstances I respectfully suggest that you might raise without delay a volunteer force for twelve months amply sufficient to make up the deficiency, and that the officers appointed by you might undertake to do this. I do not well see how otherwise the embarrassments you suggest, with the attendant delay, could be obviated. You

will, I feel assured, do this Department the justice to believe that it has every disposition, as far as possible, to accommodate itself to the rather peculiar condition of things in your State, but you will see at once that it has no power to receive into the service of the Government less than an organized company. This, of course, excludes officers without command.

I have the honor to be, very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

FRIDAY, *March 15, 1861.**

The convention met in secret session, Mr. Hull in the chair, when the following communication from His Excellency Governor Brown was taken up, read, and on motion of Mr. Glenn, of Fulton, referred to the Committee on Military Affairs, to wit:

SAVANNAH, *March 15, 1861.*

TO THE CONVENTION:

While in session at Milledgeville an ordinance was passed by the convention which made it my duty to raise two regiments of regular troops in Georgia, which regiments were expected to be turned over to the General Government of the seceding States when formed and to become a part of the Regular Army of the Confederacy. The ordinance made it my duty, as far as practicable, to officer the regiments with Georgians who were lately officers in the U. S. Army and who had or might resign with the patriotic purpose of entering the service of this State. I was also directed to preserve the relative rank of all such officers. In obedience to the commands of the convention I proceeded as fast as possible with the organization of the regiments. In the selection of officers I not only appointed every officer of the U. S. Army from Georgia who had at the time resigned, but I appointed every one on the active-list in the Army and Navy from Georgia. Some were in Oregon or Washington Territory, some on the coast of Africa, and one probably in India. These had not resigned, but I felt it my duty to reserve a place for each of them till he could be heard from. I preserved the relative rank of each by appointing no one of a lower grade over any one of a higher grade, and I advanced each as far as it was in my power to do. The whole number, however, was not sufficient to officer the two regiments. I was obliged, therefore, to fill part of the places with gentlemen from civil life. This I did by the appointment of such gentlemen as were, in my judgment, best qualified for the discharge of the duties of the respective positions assigned them. I may be here excused for remarking that my conduct has been criticised and censured by some one because I appointed certain gentlemen from civil life to higher positions than I give some of the officers of the Army. It is true that I have appointed gentlemen who were not officers in the U. S. Army to higher positions than I have given to some who were officers in the Army. Had I pursued a different course, and appointed no one from civil life till I had given each army officer a place, I must have excluded gentlemen of anything like high position, who had age and experience, from any place in the regiments, as they could not have accepted positions below the lowest grades of army officers. As an instance, I appointed General Charles J. Williams, of Muscogee, who served with distinction in the war with Mexico, is the present speaker of the House of Representatives of the State, and a brigadier-general, to the position of lieutenant-colonel of the First Regiment, and Col. E. W. Chastain, a member of this convention, who has been a Representative in the Congress of the late United States from this State, and who commanded a regiment in the Florida war, as lieutenant-colonel of the Second Regiment. I certainly could not, with any degree of propriety, have tendered either of these gentlemen a place below a young gentleman recently graduated at West Point, who occupied the position of a second lieutenant only in the U. S. Army. I might mention other instances when such an appointment would have been equally improper. Had I refused to appoint any gentleman of position similar to those above mentioned and given all the first places to army officers, I

*From Journal of the Georgia Convention.

must have filled all the remaining places with young gentlemen from civil life who had but little experience. The result would have been that the army officers and the young gentlemen appointed from civil life would have been alike in a great measure, strangers to our people, and could not probably have enlisted the regiments in two years. Indeed, I may say that nearly all the recruits obtained thus far have been enlisted by officers appointed from civil life. Most of the recruits have enlisted because they knew those gentlemen, had confidence in them, and were willing to serve under them. They would not have enlisted under army officers or strangers. Between 400 and 500 recruits have already been obtained and others are coming in daily. Justice to them requires that they be permitted to go under those on the faith of whose command they enlisted or that they be discharged. It has frequently been remarked that the appointments made by me would not be recognized by the President. I have organized the regiments and made the appointments under the direction of the convention of the people of this State, and must submit the question back to the authority under which I have acted for instruction in the premises in case the action of the authorities in this State is not recognized. I am informed by a member of the convention who had an interview with the President that the regiments will be received for the three years for which they enlisted, but that the officers will not be accepted as permanent officers of the Army of the Confederate States. It is for the convention to say upon what terms they will consent to have these regiments and their officers received. I have tendered them to the Secretary of War, and am prepared to follow any instructions which the representatives of the people under whose authority I have acted may think proper to give. It will be borne in mind by members of the convention that the Legislature at its last session authorized the Governor to accept the services of 10,000 volunteers. The Government of the Confederate States has assumed control of all military operations which are to be conducted against foreign powers within the limits of any of the Confederate States. The State has reserved to itself, however, the right to repel invasion and to use military force in case of invasion or imminent danger thereof. If we should be suddenly attacked by a large force the first law of nature might require that we meet and expel the invaders without delay. In such an event a thorough organization of the volunteer force of the State would be indispensable to prompt action. With a view to secure such organization I have appointed Col. Henry R. Jackson, of Chatham, major-general of the First Division of volunteer forces, and Paul J. Semmes, of Muscogee, and William Phillips, of Cobb, brigadier-generals. Col. William H. T. Walker, late of the U. S. Army, who has rendered most distinguished service on so many battle-fields, has also been appointed major-general of the Second Division. The First Division will be organized as speedily as possible and the officers called together for the purpose of drill, after which they will be ordered to hold the troops under their command in readiness as minute men, to be called into active service should a sudden invasion or a call from the Government of the Confederate States render it necessary. The companies will not, however, be taken into the pay of the State till they are required for active service. My sincere desire is to render to the Government of the Confederate States all the assistance in my power in the prosecution of the noble work in which the representatives of a free and independent people are engaged. We must remember, however, that the Government has but recently been formed and that time is necessary to the full development of its resources and the manifestation of its power. In the meantime the State authorities should be actively engaged in preparation for self-defense, and should leave nothing undone which is necessary to advance the common cause in which we are all so vitally interested. I shall, to the extent of my ability, cheerfully and promptly carry into effect all instructions which the convention may think proper to give upon this and other subjects. I would enter more into detail in regard to our military preparations, but do not think that the public interest could at present be promoted by a public disclosure of plans and operations, which to be successful must necessarily be private. I respectfully suggest that the convention authorize me, by the sale of State bonds or the use of treasury notes, or both, to raise and expend such sums of money, in addition to the appropriation made by the Legislature for military purposes, as the public exigencies may require.

JOSEPH E. BROWN.

Mr. Rice, from the committee of seven who had been appointed to examine into the condition of the defenses of the city of Savannah and its approaches, to inquire what additional defense, if any, was

necessary, made the following report, which was taken up, read, and on motion of Mr. Bartow, referred to the Committee on Military Affairs, to wit:

The committee appointed to examine into the condition of the defenses of the city of Savannah and its approaches, and to inquire what additional defenses, if any, may be necessary, having so far as in their power performed the duty assigned them, report as follows:

Having examined into the condition of the defenses of the city of Savannah and its approaches, and having taken the opinions of persons skilled in such matters as to the sufficiency of those defenses, your committee report that the defenses of the city of Savannah and its approaches, in their present condition, are entirely inadequate to its protection, and could not resist a strong hostile attack. This inadequacy of these defenses arises mainly from a want of cannon, and especially from the want of guns of large caliber and long range. We are assured by those skilled in the science of defensive operations that with a sufficiency of guns of the right kind the defenses could soon be rendered complete. The great difficulty has been, and continues to be, in procuring such guns as are needed for the defenses. We learn from His Excellency the Governor of the State that he had a contract with an iron company in Pittsburg, Pa., for a number of such guns as are most needed, but that when the guns were made, such was the prejudice of the people of that city against the seceding States that the contractors declined delivering the guns and abandoned the contract. This delayed the obtaining the needed supply of guns. The Governor informs your committee that he is now procuring a supply of such guns as are most needed from iron-works in the State of Virginia as fast as the same can be manufactured and forwarded. The Government of the Confederacy having given notice to the States of the Confederacy that it will take charge of all forts, arsenals, &c., and of all military operations, it might seem to be the duty of that Government to provide for the defense of Savannah and of all exposed points of our State. When, however, we recollect that the Government of the Confederacy is as yet only a provisional government, that it has just been organized, and is as yet without money or the means of providing for the common defense of all the States, except as the money is furnished to it by the States, and that the State of Georgia must, therefore, from the necessity of the case, furnish the money to provide for her own defense, your committee think that the surest and best way of doing so will be for the State to continue to purchase all the guns that may be needed for the defense of the State. These guns will then be the property of the State, and if at any time hereafter it should be deemed advisable that the same should be turned over to the Government of the Confederacy, after a permanent government is formed, and that the Government can receive and account for the guns on such terms as may be agreed on between this State and the Confederate Government, your committee would therefore recommend the passage of an ordinance authorizing and instructing the Governor of this State to continue to purchase, as fast as the same can be procured, all such guns as are or may be necessary for the defense of Savannah and its approaches, as well as for the defense of any other points on our sea-board where the same may be needed. It is of the first importance that we make sure the defense of our own State. Such moneys, therefore, as are intended for that purpose had best be applied directly to that purpose by our State. In connection with the foregoing, your committee further state that the present want of cannon for our defenses, and the difficulty of procuring them, led your committee into the consideration of the propriety of the adoption by the State of some measure by which an early and sure supply of arms may be obtained by the State. At present the State is, as above mentioned, procuring cannon from iron-works in the State of Virginia. The present indications are that Virginia will at least for some time remain in the United States. If hostilities should occur between the United States and this Confederacy, the owner of those works in Virginia could not continue to furnish us with guns without a violation of the laws of the United States. There would, therefore, be great danger, in case war should occur between the United States and this Confederacy, that our supply of guns would be cut off at the very time when we might need them most. We could not then supply ourselves from Europe, because guns would then become contraband articles. It is therefore a matter of the greatest importance that we adopt measures to secure a supply of large guns (and the same may be said of all munitions of war) by having the same manufactured in our own State. To accomplish this object, good policy as well as economy dictates the importance of our encouraging any person or persons who may be

disposed to do so to erect works for the manufacture of cannon, &c. The erection of such works would require capital, and men of capital will hesitate about embarking their capital in what would be in this State a new business, unless in some way secured against the probability of loss. For these reasons, and many others which we could urge, your committee recommend that encouragement be given to the erection of works in this State for the manufacture of cannon by the offer of a bonus to any person or company who shall at the earliest day erect works in this State for the manufacture and casting of cannon, and who shall agree to furnish the State at reasonable prices such number of columbiads and other cannon as the State may require. We recommend that the bonus be offered for the casting of columbiads, because that is the gun most needed for our defenses. We feel assured that if the payment of such a bonus secure the State a supply of such guns as the State needs it will be money well spent. We therefore recommend the passage of the ordinance herewith submitted:

AN ORDINANCE to encourage the manufacture of cannon in this State.

Be it ordained by the people of the State of Georgia by their delegates in convention assembled, and it is hereby ordained, That the Governor of this State be, and he is hereby, authorized to offer a bonus not exceeding $10,000 to any person or company who shall erect a foundry in this State for the casting of cannon, and who shall at the earliest day manufacture a 10-inch columbiad, and shall agree to furnish thereafter the State, at reasonable prices, as many such guns and other large guns as shall be required by the State, at the rate of three guns per week, or such other number as may be agreed on, provided that said gun and guns shall be subject to inspection by a competent officer appointed by the Governor for that purpose.

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SAVANNAH, *March 15, 1861.*

Hon. GEORGE W. CRAWFORD,
President of the Convention of Georgia:

SIR: Concerning my mission as a commissioner from the State of Georgia in convention assembled to the State of Louisana in convention assembled, I have the honor to report that starting on my mission from Milledgeville the morning after my election as commissioner, and traveling the most speedy and practicable route to Baton Rouge, the capital of the State of Louisiana, I arrived in the city of New Orleans on the 29th of January, 1861. There I learned that the convention of the State of Louisiana, which assembled in Baton Rouge on the 23d of January, after a session of four days, had adopted an ordinance to dissolve the union between the State of Louisiana and the other States united with her under a compact entitled "The Constitution of the United States," and adjourned from that place to reassemble on the 29th day of that month in the city of New Orleans.

On that day the convention resumed its sessions in that city, and I had an interview with a committee of that body appointed to receive commissioners from other States, at which it was arranged that I should be introduced and make known the objects of my mission to the convention on the following day. Accordingly the committee the next day personally introduced me to the convention, and I am pleased to declare that I was received with great cordiality and with the respect and consideration due to the State which I had the honor to represent.

After an interchange of salutations the president of the convention very respectfully invited me to address that body upon the objects of my mission.

That duty I performed by exhibiting my commission, which accredited me as a commissioner from this to that convention, and

laying before that the ordinance of secession adopted by this convention. I then briefly stated what this convention had done; defined the position which the State of Georgia had assumed as an independent sovereignty in the family of nations; invited the State of Louisiana to co-operate with her, and all the seceding States to form a Southern confederacy upon the principles of the Constitution of the United States, and presented such reasons to the consideration of the convention as appeared to me pertinent and persuasive to that end.

The address was respectfully listened to and was received apparently favorably by the convention.

The president of the convention, the day after my reception, handed me duly certified copies of "An ordinance to dissolve the union between the State of Louisiana and other States,"* &c., of "An ordinance to provide for the appointment of delegates to form a Southern confederacy," &c., and of "A resolution in reference to the navigation of the Mississippi River,"† with a request that I should present them to this convention as evidence of the disposition and intention of the State of Louisiana to co-operate with Georgia and the other seceding States in the formation of a Southern confederacy.

Those documents I have the honor now to present herewith to this convention.

It is my duty, and with pleasure I discharge it, to declare to this convention that I found the convention of the State of Louisiana in perfect accord in feeling and sentiment with the State of Georgia as to the objects of my mission, and that I was received and treated with the kindest and most respectful consideration by the enlightened and patriotic convention of that noble and chivalrous State.

In conclusion I tender to this convention my sincere thanks for the honor which it has conferred upon me, and express the hope that the manner in which I have discharged the delicate and responsible trust confided in me will meet the approbation of this honorable convention.

All of which is respectfully submitted by your obliged fellow-citizen,

WM. J. VASON.

BATON ROUGE, *March 15, 1861.*

L. P. WALKER:

The number for forts below the city will soon be completed. Have issued orders for 1,000 twelve-months' men for Confederate Army. Ready to transfer arms and munitions. Send agent to receive. Arrangements should be made for pay of transportation of troops.

THO. O. MOORE.

MONTGOMERY, *March 15, 1861.*

Governor T. O. MOORE,
Baton Rouge, La.:

Will send agent to receive arms, &c. Have no quartermaster at command. Will you arrange for the transportation? It shall be refunded.

L. P. WALKER,
Secretary of War.

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*See January 26, p. 80.

†See Series I, Vol. LIII, p. 617.

BATON ROUGE, *March 15, 1861.*

L. P. WALKER:

Should not the troops called for from Louisiana be mustered into the service of the Confederate States at New Orleans? Shall the State of Louisiana or the Confederate States furnish transportation to Pensacola? Are the officers now in command of Louisiana troops recognized by the Confederate Government? The withdrawal of Captain Oladowski leaves us without an ordnance officer. Please order him back. Answer by telegraph.

THO. O. MOORE.

EXECUTIVE OFFICE,
Baton Rouge, La., March 15, 1861.

L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: I have issued the necessary orders in compliance with your communication directed to me, dated March 9, 1861. I would respectfully suggest that the troops called for from the State of Louisiana should be mustered into the Confederate States at New Orleans. Shall transportation to Pensacola be furnished by the Confederate Government, or is it expected the State of Louisiana shall do so? I would respectfully recommend that the regular force of two regiments now mustered and being mustered into the service of the State of Louisiana be adopted by the Confederate Government, and the officers thus far appointed duly commissioned or others appointed to said regiment. It is important, for the good of the service and especially with a view to the defense of the Mississippi and the approaches to the city of New Orleans, that an officer with the proper rank should without delay be placed in command of the Military Department of Louisiana. In the meantime I shall use all measures at my command to place the armaments of Forts Jackson and Saint Philip on a proper footing both as regards guns and garrisons. The transfer of Captain Oladowski to Pensacola leaves the State and the important arsenal of Baton Rouge without an ordnance officer. Such an officer and artificers to prepare fixed ammunition are imperatively needed. I have the honor to transmit to His Excellency the President of the Confederate States a copy of the act authorizing the transfer of the regular forces of this State. I would ask that Captain Oladowski be ordered back to the ordnance department here, or that an efficient officer be sent in his place.

I remain, very respectfully, your obedient servant,

THO. O. MOORE.

Dispatch just received. Our State expects to be relieved of all expense for transportation, &c., from the time the troops are received by the Confederate States.

[Inclosure.]

AN ACT relative to the transfer of the regular military force of this State and the arms and munitions of war acquired from the United States to the Provisional Government of the Confederate States of America.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened*, That the Governor be, and is hereby, authorized to transfer and cause to be mustered into the service of the Provisional Government of the Confederate States of America the regular military force of this State, organized under an ordinance of the convention of the people of Louisiana passed on the 5th of February, in the year 1861.

SEC. 2. *Be it further enacted, &c.*, That the Governor be, and is hereby, authorized to transfer to said Provisional Government all the arms and munitions of war acquired from the late United States, or so much thereof as he may think proper, the said Provisional Government undertaking to settle for the same with the United States.

SEC. 3. *Be it further enacted, &c.*, That the Governor be, and is hereby, authorized to grant permission to the volunteer troops of this State to volunteer for services in the Provisional Army of the Confederate States of America.

SEC. 4. *Be it further enacted, &c.*, That this act shall take effect from its passage.

C. H. MORRISON,
Speaker of the House of Representatives.
HENRY M. HYAMS,
Vice-President and President of the Senate.

Approved March 15, 1861.

THO. O. MOORE,
Governor.

AN ACT making additional appropriations for the support of the Army for the year ending the 1st of March, 1862.

The Congress of the Confederate States of America do enact, That the following sum be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, namely: For the purchase of ordnance and ordnance stores, $110,000.

Approved March 16, 1861.

AN ACT authorizing the President alone to make certain appointments.

The Congress of the Confederate States of America do enact, That during the recess of this Congress the President shall have power to make appointments of such inferior officers as by the Constitution of this Provisional Government the Congress has authority to vest in him alone, anything in any law heretofore passed to the contrary notwithstanding.

Approved March 16, 1861.

AN ORDINANCE to adopt and ratify the Constitution of the Confederate States of America.

Be it ordained by the people of Georgia in convention assembled, and it is hereby ordained by the authority of the same, That the Constitution adopted by the Congress at Montgomery, in the State of Alabama, on the eleventh day of March, in the year of our Lord one thousand eight hundred and sixty-one, for the "permanent federal government" of the Confederate States of America, be, and the same is hereby, adopted and ratified by the State of Georgia, "acting in its sovereign and independent character."

Passed March 16, 1861.

GEO. W. CRAWFORD,
President.

Attest.

A. R. LAMAR,
Secretary.

MONTGOMERY, *March 16, 1861.*

Governor THOMAS O. MOORE,
Baton Rouge, La.:

Will send officer to muster troops in at New Orleans; also officer to receive property. Will get you to furnish transportation. As it is impossible to provide officers, the State officers now in command recognized until others appointed. Oladowski is now captain in Confederate Army, and much needed at Pensacola. If absolutely necessary, will spare him a day or two.

L. P. WALKER.

EXECUTIVE OFFICE,
Jackson, Miss., March 16, 1861.

Hon. L. P. WALKER:

SIR: Yours of the 8th instant received. The organization of the Army of Mississippi is not yet complete. Thirty or forty companies have been mustered into service. The material of which our volunteer army is composed I think will not enlist in the Regular Army of the Confederate States. A considerable number of men might be enlisted for the Regular Army if recruiting officers were sent here for that purpose. Whatever I may have power to do you may rely on being done to sustain the power and efficiency of the Confederate Government. Write me fully if you expect the companies from Mississippi to become a part of the Regular Army.

Respectfully,

JOHN J. PETTUS.

[MARCH 16 to 25 and APRIL 1, 1861.—For correspondence between Wigfall, Beauregard, Walker, and Cooper in relation to recruiting in Baltimore, Md., see Series I, Vol. I, pp. 276, 278, 279, 281, 284.]

EXECUTIVE DEPARTMENT,
Milledgeville, March 18, 1861.

Hon. L. P. WALKER,
Secretary of War:

DEAR SIR: Your communication in reply to mine from Savannah is just received. I regret the embarrassments about the Georgia regiments, but I do not see how I can turn them over on terms different from those mentioned in my letter. The officers and recruits are now in the pay of the State, and the officers not necessary to the command of the men are in the field, actively engaged securing other recruits for the purpose of filling up the regiments. If you should think proper to receive the regiments, you would have no further embarrassments about troops from this State. I have delayed my consent to have companies mustered into the service till the regiments are received. Captain Lee's company forms an exception, as I was informed you desired it for a special service. I sincerely desire to give you as little embarrassment as possible. I must, however, insist that the regiments be received before the volunteers enter the service. I could furnish 250 recruits and 750 volunteers for Fort Pulaski and

as many more for Pensacola in a few days. The recruits are fine, able-bodied men, and the regiments would soon be full if the officers remained for a time at their recruiting stations. In the event I order volunteers into the field I have not on hand at present a full supply of accouterments, tents, knapsacks, &c., for them. I am having them made as fast as possible. Will you expect that the State furnish all these things; and if so, will the War Department pay for them? We have on hand and on the way from New York quite a supply of blankets and some clothing for soldiers. We have also contracted for a considerable supply of bacon, &c. Will you take and account for these supplies? The bacon—about 500,000 pounds—has not yet been paid for. If you take it I prefer you pay the venders for it.

Hoping that you will receive the regiments upon the terms mentioned in my letter from Savannah, and that no future cause of misunderstanding may exist,

I am, very respectfully, &c.,

JOSEPH E. BROWN.

EXECUTIVE OFFICE,
Baton Rouge, La., March 18, 1861.

L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: Your dispatch of the 16th instant just received, stating that you would have officers here to receive and muster the troops into the Confederate Army and take charge of the property to be transferred. We shall soon have the 700 three-years' men mustered, and hope they will be kept at the forts below the city, as they are, I believe, becoming well acquainted in artillery exercise, which is essential. The 1,000 infantry required I hope will soon be raised for twelve months. That time was thought best, as enlistments could be more readily made than for a longer period. You will be advised as to the time necessary for the officers to receive them to be here. You will be expected to take charge of the troops and furnish transportation to their place of destination.

Your obedient servant,

THO. O. MOORE.

If you think it necessary I could raise another regiment for three years now, I believe, by taking a little more time, particularly if I should be permitted to select the officers, as by that means we enlist in the matter some very active men. Let me hear from you.

Yours, &c.,

THO. O. MOORE.

BATON ROUGE, *March 18, 1861.*

L. P. WALKER:

Will you accept eight companies (800 men) of artillery? Our law authorizes the raising of that number. Are a colonel, major, surgeon, and three assistant surgeons accepted? Transportation must be furnished by the Confederate Government.

THO. O. MOORE.

JACKSON, *March 18, 1861.*

Hon. L. P. WALKER:

Is compliance with your requisition of the 9th—now out eight days on the way—yet wanted? Will transportation be provided from Mobile?

JOHN J. PETTUS.

CHARLESTON, *March 18, 1861.*

Hon. L. P. WALKER,
Secretary of War:

I understand that it has been written from Montgomery that no officer will be appointed unless personal application be made for the appointment. I suppose this surely cannot be so, for many delicate and sensitive gentlemen of the highest merit will not apply personally, and besides, many who are now appointed in the service of the State consider their honor committed to the State, and that it would not be right to apply personally for an office elsewhere unless they are sanctioned by the State authorities in so doing, but are anxious to go into the Confederate service by arrangements made through their constituted authorities.

Very respectfully, your obedient servant,

F. W. PICKENS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 19, 1861.

His Excellency A. B. MOORE,
Montgomery, Ala.:

SIR: In reply to your communication of this date* I beg to say that as the troops are organized when they are mustered into the service of the Confederate States so they will remain—that is to say, if they come in as companies they cannot afterward enlarge their organizations into battalions or regiments. With reference to the term of service, if there shall be peace and no prospect of war, there would hardly be any necessity for keeping the twelve-months' volunteers in service after these facts shall be ascertained.

Very respectfully,

L. P. WALKER.

BALDWIN, *March 19, 1861.*

Hon. L. P. WALKER:

Your letter of the 9th just received. I will furnish the troops promptly. Will write you fully.

M. S. PERRY.

MONTGOMERY, *March 19, 1861.*

Governor THOMAS O. MOORE,
Baton Rouge:

The requisition was for 1,700 men—700 for forts, balance for Pensacola, the troops now in forts being a part. No necessity for so many

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*See Series I, Vol. I, p. 452.

artillerymen, but special objection not made. To complete complement for forts take from artillery, unless now organized into regiments; colonels and majors not needed. Surgeons and assistants not received. Officer Galt leaves to-day to provide transportation, and will muster into service at New Orleans. He is instructed to report to you his arrival at New Orleans.

L. P. WALKER.

BATON ROUGE, *March 19, 1861.*

L. P. WALKER:

Is the requisition made by you on the 9th to be considered additional companies to the regular army of this State, or does it refer to the regiments of artillery and infantry now being organized in the regular army of the State? Answer immediately.

THO. O. MOORE,
Governor.

MONTGOMERY, *March 19, 1861.*

Governor THOMAS O. MOORE,
Baton Rouge, La.:

The requisition is only for 1,700 troops in all—700 for the forts and 1,000 for Pensacola. You can supply them from whatever source you prefer. They will constitute part of Provisional and not Regular Army.

L. P. WALKER.

EXECUTIVE OFFICE,
Baton Rouge, La., March 19, 1861.

L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: In my letter yesterday I did not refer to the paragraph in your dispatch of the 16th in which you say "the State officers now in command recognized until others appointed." I infer from that that the officers who have been and will be appointed by me to their various ranks in the State army, when transferred into the Army of either the provisional or permanent Government of the Confederate States, are to be superseded by other appointments, to be made by the Department at Montgomery. If I am correct in my inference I beg to remonstrate against this act as being neither just nor proper, and to say that if it were so it would create great dissatisfaction among the officers and troops and in the State at large, for the gentlemen appointed were submitted to an examination by a board of military officers and received their recommendation, and I therefore am desirous of being informed as to what course the Department will pursue in this matter and request a full and direct answer. I telegraphed you to-day to know whether from the tenor of your communication of the 1st of March instant, and the requisition made by you on the 9th instant for 1,700 men, they were required as an additional force to the two regiments now being organized in the army of the State, to wit, artillery and infantry. From your requisition I have issued orders for the raising of 1,000 men of infantry into companies, to be mustered into the service of the Confederate States for twelve

months, unless sooner discharged. I inclose copy of the order.* This order may be changed to-morrow to three years, after consultation, as the State army is enlisted for three years. Both the State army and the addition of 1,000 men, I believe, can be raised, but their transportation must be provided for. Let me know your views distinctly and clearly on the subject, so as to create no difficulty in the matter. It has been mentioned publicly here on the street—the matter of a change of officers of the companies after leaving the State—and I must say that the move would, I think, be very injudicious and cause much trouble.

Very respectfully, your obedient servant,

THO. O. MOORE.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Montgomery, March 19, 1861.

Capt. JOHN M. GALT:

SIR: The Secretary of War directs that you proceed with the least delay practicable to New Orleans for the purpose of mustering into service the troops called out from the State of Louisiana and providing them the necessary transportation to their destination. The number thus called into service, including the number now serving in Forts Jackson and Saint Philip, on the Mississippi River, is 1,700. Of this number 1,000 are to be sent to Pensacola Harbor to report to Brigadier-General Bragg, and the balance to furnish garrisons for the forts above named. The offer made by the Governor of Louisiana is a regiment of infantry and 800 artillery. The number to be required and mustered into service, whether infantry or artillery, or both, must, therefore, be 1,700, less the number now serving at the forts. This last number (at the forts) you can obtain on applying to Brigadier-General Westmore, in New Orleans. It is desirable that both the infantry and artillery should be received with simply company organization, but should they have regimental organization under the State law they must be so mustered, but not to exceed the numbers already stated. It is also desirable that the number to be sent to the forts should be of artillery, and that 1,000 for Pensacola Harbor should be composed of both artillery and infantry, say 600 infantry and 400 artillery. You will immediately on arriving at New Orleans report by telegraph to the Governor of Louisiana at Baton Rouge the orders here given. You will confer with Captain Frazer, of the infantry, to act conjointly with him in carrying into effect these instructions. You will receive the necessary funds for the purpose of transportation.

I am, very respectfully, your obedient servant,

S. COOPER,
Adjutant-General.

MONTGOMERY, *March 19, 1861.*

Governor JOHN J. PETTUS,
Jackson, Miss.:

Requisition yet wanted. Transportation provided from Mobile. Telegraph departure of troops.

L. P. WALKER.

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*Omitted.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Montgomery, March 20, 1861.

Maj. GASTON COPPENS,
Montgomery, Ala.:

SIR: I am instructed by the Secretary of War to inform you that the Government will receive into the service of the Provisional Army of the Confederate States the battalion of zouaves tendered by you, to consist of not less than 400 or more than 500 men, with a proper proportion of commissioned and non-commissioned officers, to serve for a period of twelve months, or during the war, unless sooner discharged. Such uniform clothing as may be furnished by the battalion will be hereafter settled for by the Government at the rates and prices to be fixed for the Regular Army.

I am, very respectfully, your obedient servant,

S. COOPER,
Adjutant-General.

MONTGOMERY, *March 20, 1861.*

Governor JOSEPH E. BROWN,
Savannah:

No reply to my requisition for troops. Will they be furnished, and when? Circumstances require immediate answer.

L. P. WALKER.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 20, 1861.

His Excellency J. E. BROWN,
Milledgeville, Ga.:

SIR: I have the honor to acknowledge the receipt of your communication of the 18th instant. In reply I can only repeat what I have already said in previous letters. If there be companies organized and tendered they will be received as companies into the Provisional Army. If batteries are organized and tendered they will be received as such, and so also with regiments; but to receive either a company, battalion, or regiment not organized and in existence would do such violence, as I conceive, both to the letter and the spirit of the law as to put it altogether out of the question. I sincerely regret to be compelled to make this answer, both because I am anxious if possible to oblige Your Excellency and because we need the troops, particularly at Pensacola, without a moment's delay. In reply to your inquiry I state that all tents, accouterments, &c., which may be transferred to this Government and received by it would be paid for. Should your State make such transfer an officer will be appointed to inspect the articles, and if suitable receive them.

I have the honor to be, very respectfully, your obedient servant,

L. P. WALKER.

SAVANNAH, *March 20, 1861.*

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION:

I herewith report to you the result of my mission to the State of Tennessee:

In discharging the duties imposed upon me by the commission, I visited Nashville, the capital, on the 9th of February last, having

been detained a week on the way by injuries to the railroad, and found that the Legislature, which had been convened by the Executive in extra session, had adjourned on the 4th.

The act of the Legislature calling the convention provided that the question of "convention" or "no convention" should be submitted to the popular vote at the ballot box. The result of that vote was a majority of 10,000 against having a convention. The only means, therefore, of official communication with the people of Tennessee left me was with the Governor, to whom I presented the ordinance of secession and the resolution inviting the co-operation of Tennessee, together with the other border slave States, with the seceding States in the formation of a Southern confederacy.

I was kindly received by His Excellency Governor Harris, who deeply deplored the result of the election in Tennessee, and warmly indorsed the action of Georgia in dissolving her connection with the Federal Government. He expressed the opinion that the withdrawal of Tennessee from the Government of the United States and its union with the Confederate States of America was only a question of time, and in this opinion other distinguished citizens, and among them Governor Henry S. Foote, who boldly vindicates the cause of the South, concurred. The election was not regarded as indicating anything more than the desire which was felt and the hope that was cherished by the Union party that the Border State Convention, then in session at Washington, would adopt some plan of adjustment of the pending difficulty, not only satisfactory to the Border States but to the entire South, for the opinion was entertained by many that the Southern States had seceded with the view of reconstructing the Government and the obtainment of the constitutional rights and guaranties upon which they insisted in such reconstruction. I corrected this mistake as far as circumstances enabled me to do so, and announced that the separation was final and irrevocable, and that whatever line of policy Tennessee might adopt in the future this fact is to be regarded as settled. I announced also that the people of Georgia were a unit in maintaining the action of this convention in the adoption of the ordinance of secession. I assured those with whom I communicated that it was a great mistake to suppose that the action of Georgia was the result of a reckless popular impulse, but that it was the high resolve of patriots determined to die freemen rather than live slaves. These assurances, together with the fact that the Southern States have repudiated the reopening of the African slave-trade, and indicated the policy of raising revenue by duties on imposts, and not by direct taxation, gave our friends great confidence in the success of the movement and had a conciliatory influence upon those hostile to it.

The opinion prevailed almost universally at the time I left Nashville that the action of Tennessee would be determined by the action of the Border State Convention and of the convention of Virginia. My own opinion is that Tennessee will be governed by Virginia upon this subject, and that perhaps all the border slave States will be controlled by the same influence. Some, however, of our more sanguine friends entertain the opinion that the next election, which will take place in August next, will settle the question in Tennessee in favor of the South. Upon the whole, my judgment is that when the people of that State realize fully the fact that they are reduced to the alternative of taking the chances of subjection to the domination of relentless Republicanism or the enjoyment of equality and independ-

ence with a great people with whom they are identified in interest, institutions, and destiny they will not hesitate to pursue that course dictated alike by honor and patriotism, and determine to unite their fortunes and destiny with those of the Confederate States.

H. P. BELL.

EXECUTIVE OFFICE,
Baton Rouge, La., March 20, 1861.

Hon. L. P. WALKER,
Secretary of War, Confederate States, Montgomery, Ala.:

SIR: From the dispatches received by me from your Department I am at a loss to conceive precisely what is required in regard to the reception of the troops of this State into the Confederate Army, and these have created quite a dissatisfaction with the officers who have been commissioned by me, and are likely to cause difficulties and annoyances which will be embarrassing both to this State and the Confederate States. I have deemed it proper to send an officer with full instructions and powers to confer freely with you upon this subject, and have with you a clear and distinct understanding in regard to the reception of the two regiments of artillery and infantry now being organized with the field, staff, and company officers into the provisional forces of the Army of the Government of the Confederate States, and with the view to have the same mustered into the service at New Orleans by an officer designated by the Department. The artillery, so far as organized, will be transferred immediately. The infantry is now being organized, and will be turned over so soon as completed.

Very respectfully, your obedient servant,

THO. O. MOORE,
Governor of Louisiana.

MONTGOMERY, *March 21, 1861.*

Governor J. E. BROWN,
Milledgeville, Ga.:

Your letter received yesterday after I dispatched you. It was answered at once.

L. P. WALKER.

SAVANNAH, *March 21, 1861.*

General L. P. WALKER:

Saw Governor B[rown]. His temper and objects good. Will send you the 1,000 men for Pickens immediately. Shall he delay any of them to wait a few days for accouterments? Answer. You misunderstand him about his two regiments. He raised them under ordinance of State. Has 600 or 700 men raised for all the companies of both regiments. No company full. He is willing to turn them over to you, with enough officers for their command, as parts of regiments, and as the regiments fill up continue to turn over until both regiments full—for your Provisional Army, not your Regular Army. I think he is right. Do you agree to it? Answer to-night if you can. Will write to-morrow.

R. TOOMBS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 21, 1861.

His Excellency FRANCIS W. PICKENS,
Charleston:

SIR: In reply to your note of the 18th instant I beg to say that you were entirely right in supposing that the written statement to which you refer in regard to appointments by this Department was incorrect. No rule requiring personal application has been adopted by or announced from this Department, and the selection of any officer known to be meritorious would in no degree be affected by his omission to make such application. Of course, under this practice any officer in the service of South Carolina whose services might be needed by this Government, and whose competency known to it, would be appointed whether application had been made for him or not. It is proper to add that while, as you are aware, a considerable number of appointments has been made, there remain yet to be officered four entire regiments of infantry, and that the Artillery and Engineer Corps and the staff are still incomplete.

Very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., March 21, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: The Governor directs me to forward the inclosed communication to your Department, with the request that you have the goodness to lay it before the President.

I have the honor to be, with distinguished consideration,

J. J. SEIBELS,
Aide-de-Camp.

[Inclosure.]

ALBUQUERQUE, N. MEX., *February 15, 1861.*

His Excellency Governor A. B. MOORE,
Montgomery, Ala.:

SIR: Our communication with the States is so very irregular that I can form but a very indefinite idea as to what is to be the result of the troubles now agitating our country. I presume, however, that Alabama is out of the Union ere this. I desire, therefore, to tender through you my services to her, should she need a soldier who has seen hard service. I am the senior officer of the army, from Alabama, and should be the first to offer her such assistance in my profession as I may be able to render. I should have returned to my State in anticipation had it been possible to do so, but a severe winter season and the hostile attitude of the Indians between this and the settlements render the trip next to impossible.

With the greatest respect, I remain, very respectfully, your most obedient servant,

JAMES LONGSTREET,
Major, U. S. Army.

MAYOR'S OFFICE,
Athens, Ala., March 22, 1861.

Hon. L. P. WALKER:

DEAR SIR: I have long since been convinced that the seceded States acted wisely in withdrawing from the Union. At first I objected with great earnestness to their position and subsequent actions, but upon maturer reflection I became convinced that they were right, and that I, with many others who opposed them, was wrong. You may be aware of the fact, sir, but if not you are respectfully informed, that I am editor of the Union Banner and mayor of Athens. These positions commit me to reconstruction, which I confess most sincerely is a matter entirely foreign to my wishes, desires, or hopes, and I have accordingly entertained the strongest temptation to avow them through my paper with the facts above stated, but the risk of pecuniary loss occasioned by such a move, I must confess, whether right or wrong, presents very weighty motives for giving the matter due consideration, for the reason altogether that I have a family depending upon my personal efforts for maintenance. The semblance of opposition to the Confederacy which now engages my attention is already exciting suspicions of my soundness on reconstruction, but not to an extent to injure me materially as yet; but this or any other kind of hypocrisy operates very much against my feelings and principles, and I have therefore taken the liberty, predicating it upon the slight acquaintance I have with you, to lay the matter before you with the view to solicit your advice and counsel, and at the same time your personal consideration after I shall have published the facts hereinbefore mentioned, which I sincerely trust you will give me at your first leisure moment. It may not be amiss to state the fact that I was born and raised in Virginia, where I received a military education, and that for eighteen years I have held a captain's commission, having been in active drill in Virginia and North Carolina during the time.

Do me the favor, sir, to reply to this note at your first leisure moment, and believe me to be,

Very respectfully, your obedient servant,

A. B. HENDREN.

BARRANCAS BARRACKS, FLA., *March 22, 1861.*

General S. COOPER,
Adjutant-General C. S. Army, Montgomery:

GENERAL: It is due to my recent command in Louisiana that the officers should be brought to the notice of the appointing power, that their claims may be considered in filling our permanent service. Many of them, under the impression that the regiments might be taken as a whole, will never make an application or express a desire, when in reality they are exceedingly anxious to remain in service. Much pains was taken in selecting them, and nearly all were subjected to an examination by a competent board, so that I feel confident the service will be benefited by selecting freely from them in any appointments made from Louisiana. For ability, education, moral character, and high social position, with few exceptions, they will compare favorably with the best young men of the South. Many of them have abandoned other good professions with a view of remaining in the

Army, and I should be pleased to see their zeal rewarded by a recognition from the Department. I shall regard it a favor to have the Secretary's attention drawn to the subject unofficially when occasion offers. We remain without change, but a report says re-enforcements are near—probably be in to-morrow. Your arrival amongst us is hailed with universal satisfaction.

Most respectfully, yours,

BRAXTON BRAGG.

MONTGOMERY, *March 22, 1861.*

Hon. ROBERT TOOMBS,
Savannah:

Governor B[rown] can delay troops for Pensacola few days for accouterments. Let the delay be as short as possible. Companies, battalions, and regiments must be organized, if wish to retain individuality, before mustered into service. There is no law to receive fractions of either as a whole, to be afterward completed. The size of regiment will be controlled by State ordinance. Whatever that determines to be full complement is recognized here. Less than the number required by your law to constitute a regiment could not be received as one into Provisional Army.

L. P. WALKER.

CHARLESTON, S. C., *March 22, 1861.*

Hon. L. P. WALKER:

A statement is published in one of the papers this day of officers appointed in the Army of the Confederate States. It is believed to be without foundation, but it is producing great excitement. If it has been made public without authority it would be advisable to telegraph back that information.

A. G. MAGRATH.

MONTGOMERY, *March 22, 1861.*

Hon. A. G. MAGRATH,
Charleston:

The list was published by authority in yesterday's papers. That of the day previous was erroneous in many respects. I hardly see why there should be any special excitement. The list is partial, not embracing more than one-sixth of the appointments to be made, having been compelled to suspend for the present, owing to more pressing engagements. My letter to Governor Pickens, written yesterday, will probably satisfy you and others upon what is supposed to be the point of apprehension.* This dispatch is not intended for publication in the papers.

L. P. WALKER.

SAVANNAH, *March 23, 1861.*

L. P. WALKER:

Can do nothing on your basis to arrange military affairs with Governor B[rown].

R. TOOMBS.

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*See p. 182.

Resolved by the people of Georgia in convention assembled, That the Governor of this State is hereby authorized to tender to the Government of the Confederate States of America, under the provisions of an act of Congress "to raise provisional forces for the Confederate States of America, and for other purposes," the regular forces of this State provided for by an ordinance of this convention.

Resolved further, That the President of the Confederate States be requested to receive into the service under the act aforesaid all the men now enlisted, with the officers necessary to command them, by companies or battalions, and the remainder of the force as they may be received, with their officers, until each of the two regiments now being raised is completed, when the whole force, with their officers, shall form as regiments as part of the said Provisional Army for the term of the enlistment of the war.

Resolved further, That the Governor be authorized to continue the recruiting service by the officers now required for the command of the troops proposed until the regiments are completed, provided that a longer time than four months from this date be not allowed for this purpose; and provided further, that the Governor be authorized to disband the said regiments if not transferred to Government of the Confederate States.

Adopted March 23, 1861.

GEO. W. CRAWFORD,
President.

Attest.

A. R. LAMAR,
Secretary.

MONTGOMERY, *March 23, 1861.*

Governor JOHN J. PETTUS,
Jackson, Miss.:

The troops now required of your State are not for the Regular but for the Provisional Army. They come in with their own officers, either in companies, battalions, or regiments, as they are organized at the time they are mustered into service. They will serve for not less than twelve months, and will be commanded by such general officer as the President may appoint. Shall be glad to know by telegram when I may expect them.*

L. P. WALKER.

CHARLESTON, *March 23, 1861.*

Hon. L. P. WALKER,
Secretary of War:

SIR: I received this morning yours dated 21st instant, and am glad to know that "personal application" is not necessary for appointments. You will recollect that I stated in a previous communication that every captain I had appointed in the regular enlisted forces of South Carolina had either served as officers through the Mexican war or were graduates of West Point, and had been officers in the U. S. Army. There is but one exception to this, and that is Captain Martin, who is a very intelligent and thorough officer of great merit. The

*For reply, see Series I, Vol. LII, Part II, p. 30.

lieutenants are for the most part graduates of our own State academies, and well drilled and educated, except a few, who were likewise in the Mexican war, and a few who were entire civilians, without any previous military education. But I perceive by the list of appointments made by the President that most of these civilians have been appointed in the Confederate Army. The President has also appointed a civilian of this State as major of artillery. There is no doubt of his being a gentleman of great merit, and I had offered him a captaincy, which he declined. I only mention this to illustrate the grounds upon which I made appointments in the regular service of this State. I would appoint no one from civil life higher than lieutenant, and offered no appointment to any civilian higher than lieutenant except the single one the President has appointed major of artillery. I also see another gentleman appointed from this State from civil life first lieutenant in infantry whom I had appointed only second lieutenant because of his youth and having no military education or experience, and at the same time several who have been in service and have received a thorough military education are appointed by the President second lieutenants under him. I perceive a good many such cases, and I most respectfully suggest that such things must necessarily produce disorganization in the force I have organized here with so much pains and with such strict regard to military experience or education. I did so knowing that I caused offense among many gentlemen of influence in civil affairs; and now, when the rule is reversed at Montgomery, it will, I fear, produce dissatisfaction with the enlisted force which I have organized here, and I only mention it by way of excuse for the complaints that may, perhaps, reach you. Not that I desire to suggest at all that any gentleman who has received an appointment from the President is not entirely worthy of it (because I really believe they are worthy of it personally), but I merely suggest it as the reason why complaints may be made and some temporary excitement may prevail, but I trust it may only be temporary, particularly as you state "four other entire infantry regiments" are to be officered in full yet, and the artillery officers have not all been appointed.

Our convention meets in a few days, and I most respectfully suggest that perhaps it may suit the Confederate Government to receive the regular enlisted force of this State into service, to be located as a garrison force for the forts in this harbor, and also to garrison a fort at Beaufort and one at Georgetown. They are enlisted for a year, and I think such an arrangement would perhaps satisfy all. Those who desired to be appointed into the regular service of the Confederate States, and whose merits or claims might be recognized by the President, might receive appointments and enter into that service. I have a battalion of artillery, in command of Lieutenant-Colonel Ripley, of the best material, and they have been trained for three months at the heavy batteries and guns in the best manner. No force at present in the Confederate States could be relied on for more efficiency than this.

Very respectfully, your obedient servant,

F. W. PICKENS.

CHARLESTON, [*March*] *23, 1861.*

Hon. L. P. WALKER:

The publication of the corrected list to-day removes much of the excitement produced yesterday by the publication of the incorrect

list, and we hope it will subside now altogether. The assurances that the Governor gave yesterday that the list was incorrect had also its proper influence.

A. G. MAGRATH.

AN ORDINANCE to ratify the Constitution of the Confederate States of America.*

The people of the State of Texas assembled by delegates in convention ordain, That the Constitution of the Confederate States of America, adopted March 11, 1861, by the Congress of the Provisional Government of said Confederacy for the permanent government thereof, subject to ratification by the respective States, is hereby ratified, accepted, and adopted, for the purposes therein expressed, on the part of this State, acting in its sovereign and independent character.

Adopted in convention at the city of Austin on the 23d day of March, A. D. 1861.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 24, 1861.

Hon. A. B. HENDREN,
Athens, Ala.:

SIR: The Secretary of War instructs me to reply to your letter of the 23d [22d] instant, and to express to you his sympathy for you in the embarrassments in which you are placed. He thinks, however, that by far the safest and best plan you can pursue is boldly to announce and advocate your real views in regard to the new confederation. There are many reasons for this, one of the most potent of which is the undeniable fact that this Government is already established beyond doubt, and is rapidly taking aboard in public estimation the dimensions and form of a first-rate power. As a consequence, opposition to the cause of independence and advocacy of reconstruction may very soon assume the character of a grave political crime, odious though not legally punishable. That this will soon make it tangible to the good sense and patriotism of all the people of your section the Secretary does not doubt, and he therefore thinks that the very earliest moment at which you begin to use your talents and influence, social and political, to bring about perfect acquiescence in the actualities of the day will be the best moment for the good of your section and your own fame and fortune. The Secretary further instructs me to say that at all times when in his power he will be happy to serve you.

Respectfully, your obedient servant,

J. J. HOOPER,
Private Secretary.

MONTGOMERY, *March 24, 1861.*

Governor J. J. PETTUS,
Jackson, Miss.:

It is desired, if practicable, that arms and ammunition and camp equipage should be sent.†

L. P. WALKER.

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* From Journal of the Texas Convention.
† This in reply to Pettus, Series I, Vol. LII, Part II, p. 30.

GENERAL ORDERS, No. 1. WAR DEPT., ADJT. GENERAL'S OFFICE, *Montgomery, March 25, 1861.*

Lieut. Col. A. C. Myers, of the Quartermaster's Department, is announced as Acting Quartermaster-General of the Army of the Confederate States, and will be obeyed and respected accordingly.

By command of the Secretary of War:

S. COOPER,
Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 25, 1861.

His Excellency THOMAS O. MOORE,
Baton Rouge, La.:

SIR: Your communications of the 19th and 20th instant are received. Let me in reply so state the case that there can be no further misapprehension. All the troops called for are to go into the Provisional Army of the Confederate States. This Provisional Army is no part of the Regular Army; this latter will be recruited for during the year, and its formation must necessarily be too slow for our present exigencies. It was this consideration which prompted the Congress to provide for the Provisional Army, composed, as it will be, of two classes of troops: First, those already in the service of the States and organized, either in companies, battalions, or regiments, and as so organized transferred by the States to this Government; and secondly, of volunteer organizations not in the service of the States, but whose services are tendered to this Government with the consent of the States. In either event, however, as they are organized and officered when the tender is made and when they are mustered into service so they will remain during their term of service. If they are mustered into the service as companies they will retain their company organization; if as battalions, they will remain battalions, and so of regiments; and they will continue under the command of their own officers, with the single qualification that their officers will be subject to the command of such "general officers" as may be assigned to that duty by the President.

Respectfully, your obedient servant,

L. P. WALKER.

MONTGOMERY, *March 26, 1861.*

Governor M. S. PERRY,
Tallahassee, Fla.:

Transportation will be arranged from Columbus, Ga., for your troops.*

L. P. WALKER.

MACON, GA., *March 26, 1861.*

Hon. L. P. WALKER,
Secretary of War, Montgomery:

SIR: In the month of January last a number of gentlemen of this city, learning that the supply of ammunition (powder, lead, &c.) was very scant not only here but in Savannah, Augusta, &c., and at

*This in reply to Perry, Series I, Vol. LII, Part II, p. 30.

which time, you will remember, intense anxiety was felt about public affairs, not knowing what to expect from Washington City, made up a purse for the emergency of nearly $3,000, sent a special agent, and purchased ammunition and brought it to this place, to be used as occasion might require. It was brought overland from Norfolk, Va., purchased in Baltimore of agents of Du Pont, of Wilmington, Del., except some of the lead, which was bought in Savannah and Augusta, all of which is now in magazine and store here, and statement of amount of each herewith inclosed.* So prompt and effective have been the means of defense by our energetic new Government that it is thought unnecessary to keep it here longer by parties interested in the purchase, and on conferring with Governor Brown he has suggested that the Government of the Confederate States will take it, and it is with that view that I address you this communication in behalf of all concerned here. We would be glad if it would suit the Confederacy to take it. The powder was made by Du Pont & Co., of Wilmington, Del., whose reputation is not unknown to you, and we are satisfied of superior quality, and purchased at as low price, we presume, as any of similar quality for some time past. The inclosed bill of it is actual cost, except the freight, which was advanced by our city. I would respectfully ask if it would suit you to take it. I am not prepared just now to furnish statement of freight, but will, if desired. I have not yet seen the freight bills. I presume William B. Johnston, esq., of this city, is now in Montgomery on business for the Government, and to whom I would respectfully refer. He is well known to Mr. Memminger, Secretary of the Treasury. If Mr. Johnston has left I would refer to Sterling Lanier, esq., of the Exchange Hotel, or Col. C. T. Pollard, president of the Montgomery and West Point Railroad.

An early answer will oblige your obedient servant,

P. E. BOWDRE.

I would add that it is proposed to let the Confederacy have it at actual cost and freight.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 26, 1861.

His Excellency FRANCIS W. PICKENS,
Charleston, S. C.:

SIR: Your communication of the 23d instant is received. In the published list of appointments in the Army, to which you refer, I do not doubt that some grave errors exist, the result of want of personal knowledge of the applicants, and which under the circumstances were unavoidable. Of course neither this Department nor the President had any other wish than to appoint the best men to the best places. That we have failed in this in some instances, as seems to be implied in your letter, could only have been avoided by one of those rare accidents of good fortune sufficiently exceptional to be excluded from the estimate of probabilities. So far as seniority or rank in the army of South Carolina is concerned, that was not and could not be regarded as controlling the appointments here, because there was no comity requiring this Department to appoint in the Army of the Confederate States the officers of the army of South Carolina. Your

*Statement (omitted) shows purchase of 9,971 pounds buckshot and lead, 10,350 pounds gunpowder.

criticism, therefore, in this particular strikes me as being untenable. If you will consider the question in the light of the facts you will at once perceive how impossible it would be to adjust the rule of appointing all the officers in the State forces to that sense of justice which, you will admit, underlies the rule adopted by this Department, however unjustly it may operate in special cases. That rule is, first, to provide for all the officers resigned from the Army of the United States because of the secession of the Confederate States. Now, if we adopted the rule to incorporate into the Army of this Government all the officers of the regular armies of the several States, every officer resigned from the service of the United States would be excluded, for there are more officers in the armies of Mississippi and South Carolina than there will be in the Army of the Confederate States.

It would, therefore, be impossible to recognize as right a rule operating with such injustice. The transposition, then, in the appointments here of officers now in the service of your State, by which their relative rank in the army of South Carolina is changed, although to be regretted, and possibly naturally creating some temporary personal dissatisfaction, ought not, legitimately, to "produce disorganization in the force" you have organized, I doubt not, with so much pains. Should your convention transfer the regular enlisted force of South Carolina to this Government, it is more than probable a large proportion of that force would be employed in the manner you suggest; and when so transferred this force would constitute a part of the Provisional Army of the Confederate States, and would retain, with their officers, during the period of service, whatever organization—whether of companies, battalions, or regiments—they might have had before being mustered into service, except, possibly, the company organization, which without a change of officers might be resolved either into battalions or regiments under orders from this Department.

With great consideration, your obedient servant,

L. P. WALKER,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 26, 1861.

Lieut. C. H. CRAIGE,
"*Sons of the South,*" *of Memphis, Tenn., Montgomery, Ala.:*

SIR: The Secretary of War instructs me to express his deep regret in formally announcing to you that this Department is constrained by considerations which it cannot disregard to decline the patriotic offer of your excellent corps, as made to the President of the Confederate States, to take service in the Provisional Army of this Confederacy. The chief reason inducing this decision, as personally explained to you, is that unless there should occur hostilities of some considerable duration the forces derived from the States of the Confederacy are deemed ample for the defense of the country and all needful military operations. It would have afforded this Government great satisfaction to have been able consistently with the public interests to accept the services of the "Sons of the South" without reference to future contingencies; and next to that it would gratify the Secretary of War if he could say that in the event of war so gallant a corps

would be first upon the list to be accepted. But there precede the "Sons of the South" in priority of tender the following patriotic military organizations, to wit: Captain Turney's company from Tennessee, a volunteer regiment from Kentucky, and a volunteer regiment from Tennessee. If, however, hostilities at all serious should occur there is little doubt but that the causes which will make necessary the services of the several last-mentioned organizations will open the way for the acceptance of the services of the "Sons of the South." In any such event you will be promptly informed of the change in the condition of affairs. The Secretary of War directs me, in conclusion, to tender to the officers and men of the "Sons of the South," through you, the expression of his high appreciation and esteem.

Respectfully, your obedient servant,

J. J. HOOPER,
Private Secretary.

MARION, SMYTH COUNTY, VA., *March 26, 1861.*

Hon. L. POPE WALKER,
Secretary of War, Confederate States:

DEAR SIR: There is a company at this place who desire a contract for shot and shell for your Government. They can manufacture, with present force, three or four tons per week, and they can increase their force, if a contract can be had, so as to manufacture an additional quantity. This point is immediately on the Virginia and Tennessee Railroad, forty-four miles from Bristol, the western terminus of the road. If your Government or the Department over which you have control desire contracts of this character, I would be glad if you would inform me. If a contract of this character can be had, the best of references can be given.

Your obedient servant,

JAMES H. GILMORE.

SPECIAL ORDERS, No. 9. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Montgomery, March 27, 1861.*

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II. Lieut. Col. Lucius B. Northrop, of the Subsistence Department, is assigned to duty as Acting Commissary-General of Subsistence.

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By command of the Secretary of War:

S. COOPER,
Adjutant-General.

MONTGOMERY, *March 27, 1861.*

Governor J. E. BROWN,
Milledgeville:

Transportation from Columbus for 1,000 troops will be ready on Wednesday next, presuming they will rendezvous at that point.*

L. P. WALKER.

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* Probably in reply to Brown, Series I, Vol. LII, Part II, p. 30.

MILLEDGEVILLE, [*March*] *27, 1861.*

Hon. L. P. WALKER:

Have already sent out the orders for the rendezvous at Macon on Tuesday. Send officers to muster them into service.

JOSEPH E. BROWN.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Montgomery, March 28, 1861.

General DUFF C. GREEN,
Quartermaster-General, Mobile:

GENERAL: Yours of the 25th are received. Inclosed you have copy of ordinance which authorizes the Governor to sell Confederate States all provisions, military and quartermaster's stores, not needed by the State. Under this ordinance the Governor has agreed to dispose of all the provisions, stores, &c., belonging to the State, except such as may be required for the use of our own troops until they are discharged or mustered into service of the Confederacy; and as that service was in immediate want of subsistence, &c., it was thought advisable to supply its requisitions to an extent which should not affect our own wants, and when all our invoices had been received and Alabama relieved of her troops by transfer or discharge, that the whole matter could then be closed by the Confederacy taking the balance on hand and accounting for what had been received on its requisitions. After any of our troops have been received by the Confederacy, Alabama has nothing more to do with them, and the Confederate Government is bound to provide for them. Upon this principle the companies received into the Confederate service should be subsisted from that time from stores supplied on requisitions of its officers, and up to that time from those furnished on the requisitions of our own. If this course is pursued, and the stores, &c., not consumed by our own troops up to the time of their discharge or transfer are inventoried and turned over to the Confederacy, it would under the circumstances be the least objectionable. The Governor, however, simply suggests this for your consideration, leaving the details for your better judgment, with instructions, however, to be sure and retain enough to meet the wants of our recruits at Mount Vernon and our troops elsewhere until the contingencies arise which have been referred to. In relation to receipting for or merely making an inventory of stores as reported by Colonel Echols, the Governor wishes you to ascertain that the stores received correspond with those reported by Colonel Echols, and then receipt to him. As regards sending boat to Fort Morgan at the expense of the State, the Governor can give no definite instructions. The State is bound to furnish the supplies for troops in her service and to transport them to Fort Morgan, and to this extent, and this only, she should bear the expense. From the time the troops are in the Confederate service the expense of transportation belongs to that Government. You must use your own judgment as to keeping the boat in, acting as you deem the best for the interest of the State. The information you request as to the time of the arrival of the last company cannot at this time be given with anything like accuracy. It depends upon the fact as to how many of the troops at Fort Morgan will consent to be transferred to the service of the Confederacy, and upon this point there is no reliable information at this office. The Governor has expected confidently that at least 400 of the troops at Fort Morgan, when the requisition was made, would consent to be transferred, and

his action in relation to the companies accepted has been based upon that expectation. Should it not be well founded it will be a source of great embarrassment. Every available means have been used to obtain information on this point, but up to this time it has not been received. Should you have any, telegraph me. I believe if your questions have not all been answered the data have been given from which you can furnish the answer.

Very respectfully, your obedient servant,

GEO. GOLDTHWAITE,
Adjutant and Inspector General.

MONTGOMERY, *March 28, 1861.*

Governor J. E. BROWN,
Milledgeville:

Very well. Rendezvous your troops at Macon at time appointed. Transportation provided from there. Three hundred will leave daily until all are transported. This will prevent any detention here. Arrangements according to this programme have been perfected.

L. P. WALKER.

AN ORDINANCE to adopt and ratify the Constitution adopted by the convention at Montgomery, Ala.

SECTION 1. *Be it ordained by the people of Mississippi in convention assembled, and it is hereby ordained by authority of the same,* That the Constitution adopted by the convention at Montgomery, in the State of Alabama, in the year of our Lord one thousand eight hundred and sixty-one, for the permanent Federal Government of the Confederate States of America, be, and the same is hereby, adopted and ratified by the State of Mississippi acting in its sovereign and independent character, and the State of Mississippi hereby accedes to and becomes a member of the Confederacy provided for in said Constitution.

Passed convention March 29, 1861.

WILLIAM S. BARRY,
President of the Convention.
E. P. RUSSELL,
Secretary.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 29, 1861.

P. E. BOWDRE, Esq.,
Macon, Ga.:

SIR: I am instructed to reply to your letter of the 26th instant in relation to the powder and lead purchased by the citizens of Macon, and the Secretary of War directs me to state that for the present he can only say that the subject shall be promptly submitted to the ordnance bureau of this Department as soon as that can be organized. I am further directed to express the regret of the Secretary at his inability to answer you more definitely at present.

Respectfully, your obedient servant,

J. J. HOOPER,
Private Secretary.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 29, 1861.

JOHN D. RIDLEY, Esq.,
Blacksburg, Va.:

SIR: I am instructed by the Secretary of War to say, in reply to your letter of the 25th instant, that no volunteer corps or troops of any kind are at present received from points without the Confederate States, and I am further instructed to say that the Secretary deeply regrets that a gentleman entertaining sentiments so patriotic as yours should be disappointed in your effort to serve the Confederate States.

Respectfully, your obedient servant,

J. J. HOOPER,
Private Secretary.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, March 29, 1861.

JAMES H. GILMORE, Esq.,
Marion, Smyth County, Va.:

SIR: I am instructed by the Secretary of War, in reply to your letter of the 26th instant, to state that this Department is not at present desirous to purchase shot and shell. Your letter will be filed and due consideration given to your proposition if the Department should determine to make contracts hereafter.

Respectfully, your obedient servant,

J. J. HOOPER,
Private Secretary.

EXECUTIVE OFFICE,
Baton Rouge, March 30, 1861.

Hon. L. POPE WALKER,
Secretary of War, Montgomery, Ala.:

SIR: Captain Strawbridge has returned, and I have noted the contents of your reply to my letter of the —— instant. Your requisition of the 9th instant was for 1,700 men—700 artillery and 1,000 infantry. The artillery has partly been mustered into the service of the Confederate States, and from your note I am induced to believe that unless the men are mustered by regiments the field officers will not be recognized. I have therefore issued an order authorizing the transfer of the companies only when the regiments shall be complete. In the meantime, in order to comply with your requisition, the enlistment continues, and I trust in a short time to present for muster a regiment of good and able-bodied men. I have been informed that authority has been granted by the Government at Montgomery to individuals in the State to enlist men, either by companies, battalions, or regiments, for the service of the Confederate States, and this without official communication having been given me as the Executive of this State. If this be so—and I understand that one or two companies from New Orleans (the Zouaves) have already been mustered under the authority given to a Mr. Coppens—I have to express my astonishment and sincere regret at the course pursued by the Government at Montgomery toward me. Your requisition on me has not been denied, and I have used, and am now using, every means to comply with it. I trust you will at once admit that if a demand for volunteers from this State is required, I,

as the Executive, should be first called upon. I further understand these companies are to be considered as forming a part of the requisition made by you and not as additional troops. Be that as it may, courtesy, if not right, should require some information of the fact to me. I hope, sir, you will perceive the embarrassing and perplexing difficulties in which such orders will place our soldiers and the officers who have sacrificed positions in civil life and were the first to answer the call of the State of Louisiana to defend her rights; that you will take immediate steps to countermand orders which may have been issued to enlist troops in this State, unless emanating from the Executive thereof, which can only interfere with the enlistment of troops authorized by me, and on your requisition, and create great dissatisfaction.

I remain, with respect, your obedient servant,

THO. O. MOORE.

Address to the people of Texas.

AUSTIN, *March 30, 1861.*

FELLOW-CITIZENS:

The undersigned are a committee of the convention to prepare a brief exposition of its proceedings, with reasons therefor, as an address to the people for general information. The political crisis arose from an irreconcilable diversity of opinion between the Northern and Southern portions of the United States of America as to relative rights. Separation of Southern from Northern States was the leading object of the popular movement with a view to a consequent confederacy of seceded States as the best means, if not the only mode, of securing essential and inalienable rights. In this State the public mind was exercised by the question of our final separation from all other States, but the idea of such a result had no favor and the apprehension of it was used as an argument against secession, while the objection was met by the assured policy of a seceded confederacy. Hence, with rare exceptions the advocates and opponents of immediate and separate secession of this State commenced and prosecuted the canvass, differing on the leading proposition of secession, but uniting in opinion that consummated secession should result in confederation as an incident. So the decision was on secession. Early in the canvass public sentiment was entitled to prompt facility for its authoritative expression, and a call of the Legislature was earnestly claimed as the ordinary means. It is needless to recite any of the known particulars of executive opposition to the secession movement, but the substance of that opposition must always be in mind in order to understand the popular action of this State. As a remedy against executive dictation in our State government and against a ruinous administration of the Federal Government the people had but one mode of action that was prescribed by and for themselves in the declaration of rights in our State constitution, as follows:

SECTION 1. All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and they have at all times the inalienable right to alter, reform, or abolish their form of government in such manner as they may think expedient.

To attain the objects, and under the necessity before stated, the people rose in their sovereignty and constituted a convention to be the representation and instrumentality of their will. At the election of

delegates, although held under utmost disadvantages, the aggregate of votes for secession candidates, according to best information, was over 32,000. The proceeding was extraordinary and returns were irregular and incomplete of necessity from such an election, but reliable information showed for secession over 32,000—more than half of the largest poll ever given at an election in this State. In opposition there were comparatively few votes. And many other circumstances concurred in establishing the certainty that the secession sentiment was far in the ascendency. Thus elected and for such purposes the delegates assembled in convention at Austin the 28th of January. Although at the time of the election South Carolina was the only State that had completed secession, and many persons were deterred from voting by apprehension that she might not be sufficiently imitated, yet the secession voters expected co-operation. Before the meeting of the convention Florida, Georgia, Alabama, Mississippi, and Louisiana had seceded, and Texas was the only exception among all the Gulf States. Encouraged by such examples, Texas felt sustained in her convictions of the propriety of secession before the commencement of the abolition administration of the General Government. Admonished by the same circumstances of her peculiar dangers to arise out of even delay in co-operation with those States, Texas had just fears as well as natural sympathies to prompt the earliest practicable association with the seceded States. They had appointed delegates to meet at Montgomery, Ala., on the 4th of February to form a provisional government as a first necessity, and afterward to prepare and submit a constitution for the government of a permanent confederacy.

It would be out of place and time in this address to recite the causes justifying secession. They have been heretofore published by the convention; but they must ever be most prominent in considering the current of causes and effects. Under such circumstances the convention was not recreant to its mission. On the 1st day of February, the fourth after its meeting, the convention by a vote of 166 affirmatives to 8 negatives adopted an ordinance for withdrawing this State from the Union, to take effect on the 2d day of March, unless rejected by the people at an election to be held on the 23d of February. The Legislature and the Executive had previously recognized the convention as a representation of the people and were in a formal attendance, on invitation, at the adoption of the ordinance. Such recognition was gratifying to the public in general and relieved some persons from doubts of the legality of the convention, but it always claimed by express avowals to have its authority and instructions directly from the people. The ordinance of separation might have been made immediately final if necessity had required it, but there was time before the 4th of March to obtain a more formal and unquestionable expression of public sentiment, and the anniversary of Texan independence, the 2d of March, was selected as the day of final separation, subject to express rejection at a general election, for which provision was made. While that election was to be decisive on the question of separation, it was in its nature to be conclusive on the question of confederation, unless some unexpected event should occur to require another direct and formal expression of the public will. If the convention could have trifled with itself, it had too much respect for the intelligence of its constituents to suppose that they intended to have such an agency constituted simply to prepare and propose a secession ordinance for their ratification or rejection and then to retire, although

the public necessities which caused the convention demanded its continuance for immediate and essential action. Even willing legislative and executive functionaries could not do what was necessary in many respects for want of authority, and another convention could not be constituted in time for emergencies which did not admit of delay. The convention, as the authorized agency of intelligent public will, proceeded to do whatever the occasion required, but no more. The ordinance of secession involved the public safety, which could not be secured by means of the ordinary government, and a committee of safety was constituted with adequate powers to provide means and to control the U. S. military force with its incidents within this State, and to substitute indispensable temporary protection. Further, to secure the public safety and to obtain other inestimable advantages from immediate connection with the States which had finally seceded and were then in convention at Montgomery, Ala., delegates to that convention were elected, to be advisory as to interests of this State until the consummation of its separation, and then to participate on terms of equality in administration of a provisional government and in preparation of a constitution for a permanent confederacy. Moreover, to promote security and other manifest benefits from the contemplated confederacy, commissioners were delegated to Arizona and New Mexico to procure their co-operation, and other commissioners were sent to the Choctaw, Chickasaw, Creek, and Cherokee Nations to aid in preparing them for alliance with such confederacy. Also other corresponding measures of minor importance were adopted.

Having made such arrangements for parts of the great popular enterprise, the convention adjourned on the 5th of February to meet again on the 2d of March, as a continued agency to execute the public will. On the day for ratification or rejection of the ordinance for separation the whole subject was before the voters—the state of the general crisis; what the convention itself had done; what its committee of safety was doing during the recess; what commissioners were to do, and what was the incipient relation and prospect of permanent connection of this State with the confederacy. The convention acted and proposed to act as the authorized agent of the people, and they had an opportunity to affirm or disaffirm such agency by ratifying or rejecting its principal act. The result of the election on the secession ordinance shows more than three in favor of it to one against it, and an aggregate of over 60,000 votes—some additions to the regular announcements being made by subsequent official returns—and the returns of 120 counties being included, while only three small counties are not included of all that have been organized. The convention reassembled on the 2d of March, and soon found that the election had reindorsed it as the public agency for the political reformation which was in progress. During the recess the committee of safety by its agents, with the spontaneous and patriotic co-operation of citizen soldiery, had made arrangements for removing from Texas by the safe coast route the whole military force within Texas pertaining to the Union and for the surrender of all property and possessions (with small honorary exceptions) held in Texas by the Federal Government. The execution of such arrangements has progressed nearly to completion and so as to leave no doubt of full accomplishment at an early date without any violent collision, although the just apprehension of it caused indispensable preparation. The troops thus called into the field and some others have supplied the place of those sent away, as well as circumstances would allow, and will continue to do

so until superseded by regular forces. Details of the proceedings of the Committee of Public Safety cannot be here admitted, but they are otherwise published, and they do honor to the committee and their agents, while sustaining the convention for constituting such power as a temporary necessity. The convention found that the Constitution for the Provisional Government of the Confederacy was well adapted to the emergency without departing from any essential principle of the Union Constitution, and the measures of the Provisional Government appeared to be well adapted to circumstances. The selection of persons for the Presidency and Vice-Presidency seemed to be entirely appropriate. The convention had no hesitation in expressing a formal approval of the Constitution and administration of the Provisional Government, which was not to continue longer than one year, and was to be superseded within that time by a permanent government. It would be out of place here to state what the Provisional Government has done, unless in connection with some action of the convention. But it is proper to say that the measures of that Government have superseded the action of this State on postal affairs and on revenue by customs. Under that temporary Government also the judicial jurisdiction is similar to that of the Federal Government, but with one judge to each State. As to military and naval affairs the Provisional Government has provided so that the convention did not deem its action necessary, except as before stated, and to raise one regiment of mounted volunteers to serve twelve months, unless sooner discharged. That Government is raising in Texas another similar regiment and will doubtless accept the former.

A law of the last session of the present Legislature provided another mode of defense by small companies of citizens as minutemen along the whole line of frontier from the Rio Grande to Red River. All these forces are considered more available for protection against Indians and other marauders than any previous forces in Texas since its annexation to the Union Government. But there is a deficiency in artillery, infantry, and engineering forces for which the Provisional Government is making provision. So there is a better prospect and assurance of protection than has heretofore been given with reference to the interior frontier, and the change of circumstances must superinduce better preparations for defense along the coast. Moreover, the Legislature is in session and has power to provide further against insurrection or invasion if occasion should require. Secession from the Union and connection with the Confederacy caused a necessity for a change in the State constitution, so that the oath of office should have the "Confederate States of America" substituted for the "United States of America." One ordinance made this change and another prescribed the times and modes for taking the oath by all present and future officers of the State, declaring a vacancy in case of any failure to take the oath as required. The manner of requirement followed the examples of other States where willing officials were not captious. The lieutenant-governor, commissioner of the general land office (who was opposed to secession), comptroller, State treasurer, attorney-general, all of the supreme and district judges who were in Austin, every member of the State Senate, every member of the House of Representatives except one, and many county officers who were in Austin, promptly took the oath prescribed by the amended constitution. Of those who thus took the oath a considerable proportion had opposed secession, but the Governor and secretary of state declined to take

the oath when notified according to the ordinance therefor. Thereupon the convention, by another ordinance, declared as consequences that each office was vacant and that the executive powers devolved on the lieutenant-governor. The original State constitution provided that the lieutenant-governor should so act in case of any vacancy in the office of Governor. And so the lieutenant-governor is performing the executive duties without consent but without resistance by the late Governor, who still claims to be legally in office. In this and other instances he has "sought out many inventions" to array the functionaries of the State government against the convention, which has been obliged to control such official opposition in pursuing the even tenor of the way to render effectual the known public desire for thorough work, to give early security, peace, and quietude. The will of the late Governor has been against that of the people as to their political destiny and the one or the other had to yield. The people could not.

At length the "Constitution of the Confederate States of America" for the permanent Government was received. The convention had previously declared in its ordinance directing the delegates from this State to participate in forming such a constitution that it should "not become obligatory on this State till approved by the people in such way as should be determined upon." That the people might approve by the existing convention, or that it might provide for another popular election, remained for determination on the arrival of the Constitution. Had it contained any unexpected principle so as to make a new case in substance on which the public mind had not been ascertained, the importance of prompt ratification could have yielded to the paramount necessity for another election. But no such necessity appeared in any part of the Constitution, which did not depart from the general expectation unless it did so in the excellence of its conformity with the best hope of the people. Former elections, with attending circumstances, left no doubt of the public wish and the corresponding authority of the convention for immediate and final ratification of the Constitution. If the power existed the expediency of such a course was commanding for various reasons. The people could not desire to be troubled by another general election without necessity and they felt the importance of early relief from strife within this State as to its political position. Prompt certainty, of course, would justify the Confederate Government in adopting more expensive, effective, and permanent measures for the defense of this State, especially its desolated frontier, than could be expected before a finality. In connection with the defense of Texas, the appearance of uncertainty as to its political position would embarrass the pending arrangements for an alliance between the Confederacy as one party and the Choctaw, Chickasaw, Creek, and Cherokee Nations in concert as the other party. Such hesitation on the part of Texas would tend to produce similar hesitation in Arizona and New Mexico as to their connection with the Confederacy. Such procrastination would operate unfavorably on the neighboring Government and people of Mexico as to desirable negotiations and intercourse. Any appearance of doubt that Texas was to be sustained by connection with the Confederacy would stimulate marauding and incendiary efforts, while it would be fuel for faction. During such suspense the postal arrangements for Texas would be embarrassed and retarded, and so as to the judiciary and the revenue. Delay would prostrate trade and commerce. A final connection of this State with the Confederacy

without delay would give to it additional strength and promote early success in its negotiations as to peace with the old Government, as to the procurement of money, as to recognition by other nations, and as to commercial relations. Moreover, the prompt and permanent connection of Texas with the Confederacy could not fail to have a favorable influence on the Border States as inducement for them to abandon their equivocal positions and connect themselves with their more Southern sisters and natural associations. A like influence would materially affect immigration from those States, conducing to the advantage of the immigrants and to the growth of this State. In view of such considerations the convention promptly and finally on the 23d of March ratified, accepted, and adopted the Constitution by a vote of 128 affirmatives to 2 negatives. A copy of this guaranty for our future liberty is annexed to this address as a part of it, so that the public may have a connected view of the progress and result of the recent wonderful political enterprise of the people of this State. The people will see that the Constitution of the Confederate States of America is copied almost entirely from the Constitution of the United States. The few changes made are admitted by all to be improvements. Let every man compare the new with the old and see for himself that we still cling to the old Constitution made by our fathers.

But the connection of Texas with the Confederacy involved a necessity for modifications of our State constitution so that it should be in conformity with our new relation, and another consequent necessity requires that the Legislature should have some extension of power to raise funds within bounds and on terms that would be safe and beneficial for the State. Such modifications were made. The convention realized that other changes of the State constitution were desirable, but its amendments were confined to particulars which were considered to be necessary parts of the great political change. Many other interesting incidents might be stated, but they would cause this address to be tedious, and the foregoing outline may enable the people to take a connected and orderly view of the substance of proceedings by which there has been accomplished a political reformation which has no parallel, considering the opposing circumstances and the triumphant successes. The people of Texas have asserted their sovereignty. They have dissolved their connection with a Government whose administrative power had been augmented and directed so that it would procure their ruin. They have connected themselves with another Government whose foundations give the most hopeful assurance of permanent constitutional liberty. By two general elections and two meetings of the convention in a State of vast area within seventy-eight days the whole change of government has been completed. The popular demonstrations have overcome thousands of the Regular Army of the old Government and an opposing minority of citizens without bloodshed. Every citizen, if he will, may look with patriotic pride on the consummated reformation whose progress caused no vital interruption in public or private business and whose result is an assurance of the best security and enjoyment which human government can afford. When permanently successful such a remodeling of government, embracing our complicated system of reserved State rights and delegated confederate authority, may give a better guaranty than all history that our people at least are capable of instituting and maintaining free government. The convention having finished its work in harmony with the

Legislature, confides in that body and the present Executive and the judiciary to conduct the State government according to the will and interests of their constituents. The convention congratulates the people on the prompt and thorough accomplishment of their wishes. But some citizens are not satisfied. A large proportion of those who did not favor secession have subsequently acquiesced and many of them have become identified with it by candid co-operation. But in various parts of the State there are some persons who continue pertinacious in their opposition. It is not the province of this address to comment on their conduct. Their rights as citizens are not questioned, but their duties are equally unquestionable, and it is proper merely to state their position. Their platform denounces the convention as a usurpation and tolerates it only as a partial instrument of the Legislature in submitting the ordinance for secession to a popular election, and declares all its other acts to be without authority and void, notwithstanding 46,000 voters indorsed it. Their platform assumes the superiority of the ordinary government over the sovereignty of the people as represented by the convention, and repudiates its acts with singular inconsistency, inasmuch as the Legislature itself in various modes has recognized and approved the convention and co-operated with it as a lawful representation of the people, even asking and obtaining from it for the public good a certain extension of legislative power. Their platform claims a pretended right to use force against the convention and its acts, but for the present defers the exercise of such monstrous power. Time must show whether it is to be asserted by violent action under other circumstances. Their platform appeals to the people against the alleged usurpations by encouraging reaction and disorganization, thereby encouraging discord and strife, to which ends, among other means, it stimulates jealousies and hostilities among various classes of the community. In any practical view of the great crisis there are but two positions for citizens to take—either with the combined policy of separation from the old Union and connection with the Confederate States, or with the contrary. The former is an existing reality; the latter is in opposition to the constituted authority and the public will of Texas. Minor considerations of form must yield to substance. The sovereign will of the people must be sustained. The convention would fain hope for speedy and universal harmony in devoted patriotism. The coming elections of this year for both State and Confederate officers will deserve peculiar attention by the people, so that they may have the best possible guaranties for accomplishing the great objects of our political reformation. It has not been deemed necessary to speak particularly of the question of peace or war. The convention acted with a view to either alternative. The people will be gratified to know that the members of the convention have acted with such mutual courtesy that there has not been a single instance of personality in its deliberations.

Having finished its business about noon of the 25th of March, the convention, in an orderly manner, adjourned *sine die*. Its proceedings affecting military movements were necessarily secret for the moment, but the injunction of secrecy was removed almost immediately and the world knows now every transaction. The convention will be tried by its works and it feels no apprehension of the freemen of Texas. Invoking the blessings of Heaven on whatever has been properly done by the convention, its members, except the few who have been called to public stations in the Confederacy, return to their

ordinary pursuits in society to share for weal or woe what has been done in common with their fellow-citizens.

For the convention, by its committee:

PRYOR LEA, *of Goliad.*
JOHN HENRY BROWN, *of Bell.*
JOHN D. STELL, *of Leon.*

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 1, 1861.

Hon. J. P. BENJAMIN,
Attorney-General, Montgomery, Ala.:

SIR: The troops now called into the service of the Confederate States constitute the Provisional Army. These troops have been supplied by the States upon requisitions of the Department. There is, however, some complication in the several acts of the Congress providing for the Provisional Army, the Regular Army, and a volunteer service authorized by "An act to provide for the public defense." There are acts of Congress making provision for the support of each of these distinct military organizations, but it is not altogether clear to my mind out of which appropriation the troops now in service shall be paid—whether under the general appropriation act or under the act numbered 66, making appropriation for the volunteer forces. In some sense, and mainly, indeed, if not entirely, the Provisional Army is composed of volunteer troops from the different States, but the organization of this force, as provided for by the law creating the Provisional Army, is, in many respects, different from the organization provided for the volunteer force *eo nomine;* and the troops now in service are called the "Provisional forces of the Confederate States." I invite your attention to these several laws and desire your opinion on the point stated, viz, whether the provisional forces now in service, except those at Charleston, for whom special provision is made, can properly be paid and provided for out of the $5,000,000 appropriation for the pay, subsistence, and transportation of such volunteer forces as may be called into service by the President.

Respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

MONTGOMERY, ALA., *April 1, 1861.*

Capt. RAPHAEL SEMMES:
(Care of A. G. Hazard, New York.)

Schedule up to 2,000; large grain, three-eighths inch thick. Must be more dense than that furnished by H. to United States for experiment.

L. P. WALKER.

HEADQUARTERS STATE OF SOUTH CAROLINA,
April 1, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I received yours of 26th ultimo. I did not mean to say that in the appointments to the Army you had failed to "get the best men

for the best places," but only to say that the rule adopted seemed to be different from what was adopted by myself, and so far as it had transferred or changed the relative rank the officers had borne to each other in the South Carolina service, it might produce some "temporary complaint," and I only mentioned it as an excuse for what you might hear, and I did not think it—the complaint—would last long. You say there was "no comity requiring this Department to appoint in the Army of the Confederate States the officers of the army of South Carolina. Your criticism, therefore, in this particular strikes me as being untenable." I regret you should have so understood my remarks connected with the appointments. I certainly never meant to urge that there was any comity requiring the appointment of officers in the forces of this State, but only stated the circumstances to apologize for any complaints that might be made from our officers because their relative, &c., rank had been changed. You say also, "Now, if we adopted the rule to incorporate into the Army of this Government all the officers of the regular armies of the several States, every officer resigned from the service of the United States would be excluded, for there are more officers in the armies of Mississippi and South Carolina than there will be in the Army of the Confederate States." I did not mean to urge the appointment of all our officers into the Regular Army of the Confederate Government, but desired to present their claims, so far as our regular force was concerned, to be retained for their term of service—one year—as a regular local or garrison force on the coast of South Carolina; but if I had urged the appointment of all the officers into the Regular Army, that would not "have excluded every officer resigned from the service of the United States," for out of fifteen captains I appointed twelve were actually officers in the U. S. Army, resigned, and none below rank of first lieutenant. A colonel, lieutenant-colonel, and major of infantry were also officers resigned from the U. S. Army. The lieutenant-colonel of artillery was also originally in the U. S. Army. The major of our dragoons was also captain in the U. S. dragoons; so, too, many of our lieutenants were graduates of West Point and in the Army. I merely write to explain that I in reality had no intention to do anything more in my last communication than to explain the position of the officers in the force we have raised, in order that everything might be understood if any temporary excitement (particularly from the first list of appointments published, which turned out to be incorrect) or complaint might be made. I hope everything will be arranged with perfect satisfaction, as the convention is now to decide upon what will be definitely done with all our forces.

Very respectfully, your obedient servant,

F. W. PICKENS.

JOINT RESOLUTION in regard to the movement of troops and arms within the limits of this Commonwealth by the General Government. Adopted April 1, 1861.

Whereas, the people of Virginia, in convention assembled, are now deliberating as to their future relations with the Government at Washington, D. C., and the non-slave-holding States of the Confederacy, known as the United States of North America;

And whereas, the General Assembly of Virginia (at present sitting) and the Governor of this Commonwealth have declared their opposition to the exercise of force against the slave-holding seceding States,

and to the organization in, or the marching through, our territory of military expeditions for that purpose;

And whereas, in the present unsettled condition of our interstate and Federal relations, it is the highest obligation of duty on all public functionaries to watch vigilantly, and prevent or thwart every hostile movement either against the seceded States or those that may be supposed to sympathize with them;

And whereas, it has come to the knowledge of this Legislature that a large number of heavy guns, manufactured at Belona Foundry, near the capital of Virginia, under an order of the Ordnance Department at Washington, D. C., have been ordered to Fortress Monroe, where they can only be needed for the purpose of intimidation and menace to Virginia at present, and of actual hostilities in a certain contingency that may change her future relations to the Federal Government and the anti-slavery sentiment it represents:

1. *Be it resolved by the General Assembly*, That the Governor of this Commonwealth be authorized, and he is hereby directed, in case of the actual attempt of the Federal authorities to transport said guns over the soil of Virginia, to seize and detain said guns for the use of this Commonwealth; and to that end to order out the public guard to arrest the contemplated removal of the guns beyond the reach and control of the government of this State.

2. *Resolved further*, That the Governor be, and he is hereby, authorized and required, out of the money appropriated for the purchase of arms at the present session of the General Assembly, by an act passed on the 29th day of January, 1861, entitled an act appropriating $1,000,000 for the defense of the Commonwealth, to pay to Dr. Junius L. Archer the amount due him, viz, $7,872.47, on his contract for the manufacture of said guns, and to the Government at Washington the sum of $13,024, which said Government has paid to said Archer on account of his said contract; and the Governor shall require the superintendent of the armory at Richmond to take possession of said guns, and deposit them therein for safe-keeping.

DEPARTMENT OF JUSTICE,
Montgomery, April 2, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: In order to arrive at a correct solution of the questions propounded in your letter of 1st instant it is necessary to ascertain the true distinction existing under the legislation of Congress between the provisional forces and the volunteer forces authorized to be called into service.

The act of 28th of February, 1861, authorizes the President to receive into service "such forces now in the service of said States as may be tendered, or who may volunteer by consent of their State."

The act of 6th of March, 1861, authorizes the President "to employ the militia, military, and naval forces of the Confederate States of America, and to ask for and accept the services of any number of volunteers, not exceeding 100,000, who may offer their services," &c.

The forces contemplated by the first law are to form the Provisional Army; those under the second law are volunteers. A careful reading of the act of 28th of February satisfies me that its provisions embrace only such troops as were then in the service of the States. The words are: "Such persons now in the service as may be tendered,

or who may volunteer," &c. The words "now in the service" apply as well to those who volunteer as to those who are tendered. The whole scope of the act is to authorize the President to relieve the separate States (so far as the public service would warrant it) of the troops already levied by them, and the second section of the law shows this also to have been the policy as regards arms and munitions. The States were authorized to turn over and make chargeable to the Federal Government such arms and munitions as they then had. The law neither authorized them to continue to levy troops nor to purchase munitions for account of the Confederate States. Now, in making appropriations for the forces Congress has divided its legislation into three acts:

First. There is a special act for such part of the "provisional forces" as is called into service at Charleston.

Second. There is an appropriation "for the Regular Army and other purposes." This appropriation law consists of two sections only. The first appropriates certain sums for the Regular Army. The second authorizes you, under the direction of the President, to apply any portion of these sums to the support "of the provisional forces which may be called into the service."

Third. There is an appropriation of $5,000,000 for "such volunteer forces as may be called into service," &c.

It seems to me that the action of Congress is plain and clear that there is no appropriation for the "provisional forces" except under the first two acts, and that the appropriation in the third act is not applicable at all to any "provisional forces." I see no complication in the law. But the facts as stated in your letter give rise to a difficulty in the application of the law. From the very force of circumstances, from the exigency of public affairs, you have not been able to keep your "provisional forces" distinct from your volunteers. You have not had the men raised by the States transferred to you in the manner anticipated by the Congress. State troops and volunteer companies and battalions are all fused into one force that is called the Provisional Army. It is thus impossible to apply the appropriations in strict accordance with the letter of the law. I cannot answer your question otherwise than to say that under the law neither of the appropriations is applicable to your whole Provisional Army as now constituted; that the only course that seems practicable is to make a calculation as nearly exact as possible of the relative proportions of volunteers and provisional forces that now compose your Provisional Army, according to the distinction between these two classes of forces above set forth, and to draw from the $5,000,000 appropriation such proportion as is applicable to the volunteers, and from the appropriation for the Regular Army the remainder of the sum. This latter sum, however, to be drawn only under the direction of the President in compliance with the express provisions of the act.

Your obedient servant,

J. P. BENJAMIN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 2, 1861.

His Excellency A. B. MOORE,
Montgomery, Ala.:

DEAR SIR: Being informed that you are still engaged in enlisting men, in the expectation that they will be transferred to the Confeder-

ate States, I deem it proper to call your special attention to the phraseology of the act of Congress "to raise provisional forces." I do this to prevent misapprehension in the future. The third section of that act is in these words:

> That the President be authorized to receive into the service of this Government such forces now in the service of said States as may be tendered, or who may volunteer by consent of their State, in such numbers as he may require, for any term not less than twelve months, unless sooner discharged.

A careful reading of this act satisfies me that its provisions embrace only such troops as were then in the service of the States. The words are, "Such forces now in the service of said States as may be tendered, or who may volunteer," &c. The words "now in service" apply as well to those who volunteer as to those who are tendered. The whole scope of the act is to authorize the President to relieve the separate States (so far as the public service would warrant it) of the troops already levied by them. With this view of the law, to which I invite your attention without official formality, it might be well to consider the propriety of further enlistments, this Government having no power to receive them into the provisional forces.

Very respectfully, your obedient servant,

L. P. WALKER.

(Similar letter to His Excellency Joseph E. Brown, Milledgeville, Ga.)

MACON, *April 2, 1861.*

L. P. WALKER:

When the troops leave Georgia they are under no law till they are mustered into the service. The officers object to leave the State till it is done. If you desire the troops please designate at once some one to muster them in here.

JOSEPH E. BROWN.

MONTGOMERY, *April 2, 1861.*

Governor J. E. BROWN,
Macon, Ga.:

The troops will be mustered into service at Pensacola, but transportation has been provided from Macon as I wrote you.

L. P. WALKER.

MONTGOMERY, *April 3, 1861.*

Governor JOSEPH E. BROWN,
Macon, Ga.:

I cannot make an exceptional case of the Georgia troops, although anxious to oblige you as far as possible. The troops of the other States intended for service at Pensacola are mustered into service at that point. I desire to know without delay whether that arrangement will suffice?

L. P. WALKER.

At a convention of the people of the State of South Carolina, reassembled by appointment of the president thereof, at Charleston, on the 26th day of March, in the year of our Lord 1861, and thence continued by divers adjournments to the 3d day of April, in the same year:

AN ORDINANCE to ratify the Constitution of the Confederate States of America.

We, the people of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, That the State of South Carolina does hereby assent and ratify the articles of compact called the "Constitution of the Confederate States of America," adopted at Montgomery, in the State of Alabama, on the 11th day of March, in the present year (1861), by the convention of delegates from the States of Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas, and does hereby agree, with such other of the said States as shall ratify the same, to enter with them into a federal association of States upon the terms therein proposed.

Done at Charleston the 3d day of April, in the year of our Lord 1861.

D. F. JAMISON,
President of the Convention.

Attest.

B. F. ARTHUR,
Clerk of the Convention.

MACON, GA., *April 4, 1861.*

Hon. L. P. WALKER,
Secretary of War:

SIR: After much difficulty I have succeeded in getting the consent of the troops to go to Pensacola to be mustered into the service. One strong point made against it has been that you may possibly reject some of the troops when they get there who might be considered physically unable to do duty or from other causes, and they would then be discharged at a distance from home and at a heavy cost to them before they could get back. If mustered in here and any one should be rejected he would be near his home, and the cost and disappointment not so great. Again, they would not consent to go if they knew there would be any difficulty about their regimental surgeons, &c. I have appointed able and experienced surgeons with the regiment who have their full confidence; also with the battalion. The regiment consists of ten companies, organized as a regiment according to the laws of this State. The battalion consists of four companies, commanded by a major. The battalion is also organized in accordance with the laws of the State. I tender these troops for the shortest time for which they can be received into the service of the Confederate States, which I believe is twelve months, unless sooner discharged, under the provisions of the act of Congress upon that subject. An account of the expense of equipping and preparing the regiment and battalion for service will be made out and forwarded to you. I understand by your requisition that the troops are intended for service at Pensacola and not for service on the frontier. I have so assured them.

I have the honor to be, your obedient servant,

JOSEPH E. BROWN.

At a convention of the people of the State of South Carolina, reassembled by appointment by the president thereof at Charleston, on the 26th day of March, in the year of our Lord 1861, and thence continued by divers adjournments to the 5th day of April, in the same year:

Resolved, That so soon as the Government of the Confederate States of America, created by the Constitution, which has been now ratified, shall be securely established and in peaceful operation, the State of South Carolina ought to demand that, two other States concurring, the Congress shall summon a convention of all the States to take into consideration the following amendments to the said Constitution, to wit:

1. To amend the second section of the first article by striking out from the third clause thereof the following words, to wit, "which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years," and the words, "three-fifths of all slaves," and inserting after the words "respective numbers" the words "including slaves."

2. To strike out the second clause of the sixth section of the first article, and insert "the Congress shall not contract any debt, except for war purposes; and all expenditures in excess of revenues from imports (which shall not exceed 15 per cent. ad valorem) and other sources shall be met by direct taxation, to be provided for by the Congress authorizing the expenditure."

3. In lieu of the first and second clauses of the ninth section of the first article to insert the following: "Congress shall have power to prohibit the importation or introduction of slaves from any region not a State or Territory of this Confederacy."

4. To amend the third section of the fourth article by adding to the first clause thereof the words, "nor shall any State in which African slavery does not by law exist be admitted without the consent of all the States, expressed through their respective Legislatures."

Done at Charleston the 5th day of April, in the year of our Lord 1861.

D. F. JAMISON,
President of the Convention.

Attest.

B. F. ARTHUR,
Clerk of the Convention.

CONFEDERATE STATES OF AMERICA, TREASURY DEPT.,
Montgomery, April 6, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: It is in contemplation, under the authority vested by law in the Secretary of the Treasury, to issue Treasury notes at an early day, and I have to request you to instruct all disbursing officers of your Department whenever they pay out Treasury notes to note specifically on the back of each note paid out by them the date of said payment, as from that date interest upon the same will commence to run against the Government, and not from the date on the face of said notes. While the Treasury notes remain in the hands of the disbursing officer the Government will not be liable to interest, but as soon as they pay them out the liability for interest will commence. These instructions should be given as soon as possible, so that the rights of the parties receiving and the Government issuing may be understood and protected.

Very respectfully,

C. G. MEMMINGER,
Secretary of the Treasury.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 6, 1861.

General GOLDTHWAITE,
Adjutant and Inspector General of Alabama:

SIR: Your communication of this date is received. The order you request will be transmitted to Captain White, in command of the arsenal at Mount Vernon. I desire to know when the men enlisted prior to the 28th of February will be transferred to the Confederate Government as part of the provisional forces, and also at what time the men enlisted by Captains Gee and Loomis subsequent to that date will be organized into volunteer companies. It is necessary that I should know this, that an officer may be directed to recruit for the Regular Army of the Confederate States such of the men enlisted by your State as would not go into the provisional forces or be organized into volunteer companies.

Very respectfully,

L. P. WALKER.

ADJT. AND INSP. GEN.'S OFFICE, STATE OF ALABAMA,
Montgomery, April 6, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: In answer to the inquiries propounded in yours of this date I have to state that it is confidently expected that the volunteer companies required to fill the contingent at Fort Morgan will be organized during the coming week. As soon as that is done the recruits enlisted up to the 28th of February last will be transferred to the Provisional Government. For reasons which will readily occur to you, I would suggest that the recruiting should not commence until the organization of the volunteer companies is effected.

Very respectfully, your obedient servant,

GEO. GOLDTHWAITE,
Adjutant and Inspector General of Alabama.

MONTGOMERY, *April 6, 1861.*

Governor T. O. MOORE,
Baton Rouge:

Would be glad if you would transfer to Confederate Government your hospital stores. Dr. David C. De Leon is in New Orleans, authorized to receipt for them. Advise him of your conclusion.

L. P. WALKER.

WAR DEPARTMENT, ADJT. AND INSP. GEN.'S OFFICE,
Montgomery, April 6, 1861.

Surg. D. C. DE LEON,
New Orleans, La.:

SIR: In connection with your purchase of medical supplies in New Orleans for the troops at Pensacola Harbor, you are directed to communicate with the Governor of Louisiana at Baton Rouge in regard to the medical stores formerly belonging to the United States in New Orleans, which were turned over to the State. From this stock you

will fill your requisitions as far as possible before making purchases elsewhere. A large portion of these stores is understood to be at Fort Pike.

Very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

GENESEE, *April 7, 1861.*

JEFFERSON DAVIS:

SIR: Knowing the fidelity of the Southern people, and trusting to their honor as the friend of the white man instead of Black Republicans, we wish to come and participate in the coming campaign, if you can assign us a place. Although we have not been with you, our hearts have. We have lodges formed all through the States of Pennsylvania and New York. They are some like the Freemasons. We have been trying to get money to take our little band to the cotton States. We have 10,000 men enlisted for the Confederate States, and they are all ready to start, except for the want of money. We have turned all our property into money that we could and got it all together, and then appointed a committee to make the arrangements for the transportation of the men to the cotton States. We have all our arms and equipage and nearly money enough to come with. After close figuring we lack just $11,347, and if you will send us that amount we soon will be with you, and to be stationed at your pleasure. We ask no pay for our services except a home in the new Confederacy. As we live in the free States we know much that is going on and what is the intention of the Black Republicans, and that is a descent on New Orleans by way of the Mississippi River and the Gulf, and we wish to get there to give them fight, and by our coming there will be more of the North to help you, as France did when Lafayette came to America. I have read this to the committee, and they say it will do. Please express the money to Olean, Cattaraugus County, N. Y., and also write me a letter when you express the money, and direct to Brindleville, Potter County, Pa. Now follow my directions and it will be all right, and give me your orders and the men shall come just where you say. Send us some gold, as Southern money, or rather bank notes, will not pass here.

CHARLES W. C. MACOMAC,
Chairman of the Committee and Board of Managers.

Put nothing but my name on the letter, and a check for the money. My address, Brindleville, Potter County, Pa.

[Indorsement.]

Secretary of War's attention. Curious.

J. D.

WASHINGTON, D. C., *April 8, 1861.*

Hon. L. P. WALKER:

Do you want arms? Ten thousand Colt pistols, army and navy size, and 2,000 Sharps rifles are offered to be delivered at Richmond. Answer immediately.

JOHN FORSYTH.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 8, 1861.

His Excellency FRANCIS W. PICKENS,
Charleston, S. C.:

SIR: The discontinuance by the United States of negotiations with the commissioners representing this Government, of which doubtless you have before this been made aware, leaves no doubt as to the policy we should pursue. A large force will probably, and if at all, almost immediately, be needed to resist the coercive measures of the Washington Administration. To meet this condition of affairs this Department, acting with reference to the power vested in the Executive by the act of the Congress entitled "An act to provide for the public defense," suggests to Your Excellency the necessity of calling at once for 3,000 volunteers, to be drilled, equipped, and held in instant readiness to meet any requisition from this Department. These troops will, of course, not be receiving pay until they shall be mustered into service, but the emergency is so pressing that Your Excellency will fully appreciate the great importance of thorough preparation, especially in regard to instant capacity to move. A similar request has been addressed to the Executive of each of the Confederate States. Asking an early reply to the suggestion above made,

I am, very respectfully, your obedient servant,

L. P. WALKER.

(The same, *mutatis mutandis*, to the Governors of Alabama, Florida, Georgia, Louisiana, Texas, and Mississippi. That to Governor of Florida calls for only 1,500 men.

SPECIAL ORDERS, No. 17. } ADJUTANT-GENERAL'S OFFICE,
Montgomery, April 8, 1861.

I. Maj. Josiah Gorgas, of the Corps of Artillery and Ordnance, is assigned to duty as chief of the Bureau of Ordnance.

II. Capt. John Withers, assistant adjutant-general, is assigned to duty in the Adjutant-General's Office from the 3d instant.

* * * * * * *

By order of the Secretary of War:

S. COOPER,
Adjutant-General.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., April 8, 1861.

Hon. L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: You will please inform me at your earliest convenience whether or not the Government of the Confederate States desires to take the corn purchased by the State of Alabama.

Very respectfully, your obedient servant,

A. B. MOORE.

[APRIL 8, 1861.—For resolution of the convention of South Carolina, authorizing the Governor to raise such number of volunteer regiments as General Beauregard may require, see Series I, Vol. I, p. 298.]

SAINT CHARLES HOTEL,
New Orleans, April 8, 1861.

Hon. L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: I have the honor to report that on examination I find a large supply of medicines, instruments, &c., captured from the purveying department, U. S. Army, in the city, which will supersede the necessity of buying but a small proportion of the articles required. I have telegraphed the Governor of the State to have them turned over to me. If you authorize me I will receive them and issue them to Pensacola and buy only a small quantity of articles deficient. I telegraphed you this morning for permission. Colonel Gladden, commanding the Louisiana Volunteers, will send his command, one detachment, in a day or two to Pensacola, and the second soon after. Two more assistant surgeons had been sent to General Bragg from here before my arrival. Forts Pike and Macomb, of the Confederate Army, will require (the two) one surgeon (assistant); Forts Jackson and Saint Philip (the two) one assistant surgeon. Fort Livingston, eighty miles from New Orleans, will have a detachment of twenty-four men and officers, if you wish, and an assistant surgeon for that post also. It will be necessary to employ three assistants for these points. I informed Colonel Gladden that no authority has been delegated to me to employ surgeons. If you wish me to attend to this matter please write me, and also the pay they are to receive. Two capable surgeons will go with the Louisiana troops to apply for temporary duty, recommended by the Governor and surgeon-general of Louisiana for employ. I would respectfully suggest that many valuable old soldiers, artillerists and others, are rejected by too rigid an examination, and that more would be recruited if a less rigid system than the U. S. Army was required for the present. Please instruct me where I shall report after attending to supplying Pensacola with medical stores, &c.

I have the honor to be, very respectfully, your obedient servant,
D. CAMDEN DE LEON,
Surgeon, C. S. Army.

WASHINGTON, *April 9, 1861.*

Hon. L. P. WALKER:

Have ordered 2,000 Colt new army pistols, at $25; Sharps carbine, new (army) improvement, held at $30; Sharps rifle, with sword-bayonet, $42.50; Colt carbine, $30. Two hundred to three hundred tons Hazard's (Government) powder offered at 20 cents. Answer immediately.

JOHN FORSYTH.

MONTGOMERY, *April 9, 1861.*

Hon. JOHN FORSYTH,
Washington:

The rifles are too high. Would take 2,000 Sharps rifles, with sword-bayonets, at $30. Do not want the other guns. If the powder has been tested and is cannon-powder will take it. You had better ascertain and know certainly all about it. Answer fully.

L. P. WALKER.

WASHINGTON, D. C., *April 9, 1861.*

Hon. L. P. WALKER:

The prices named for rifles and carbines are the lowest market, and in great demand. Probably they could not be had twenty-four hours hence. The powder mentioned at 20 cents is the best Government, and the highest-priced cannon-powder is cheaper. How much powder shall I order? Both arms and powder offered at prices paid by this Government.

JOHN FORSYTH.

MONTGOMERY, *April 9, 1861.*

Hon. JOHN FORSYTH,
Washington:

Two thousand Colt pistols; 2,000 Sharps rifles. The former at $25; the latter at $22.50.

L. P. WALKER.

MONTGOMERY, *April 9, 1861.*

TUCKER, COOPER & CO.,
No. 70 South Street, New York:

Increase weekly supply of "rope" [gunpowder] to the utmost.

L. P. WALKER.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., April 9, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: Your letter of yesterday's date, requesting me to call for "3,000 volunteers, to be drilled, equipped, and held in readiness the most perfect," to meet any requisition from your Department, has been received. You do not specify the character of the troops whose services you anticipate may be needed, and I therefore beg leave to inquire whether cavalry companies will be received, and if so, how many?

Very respectfully, your obedient servant,

A. B. MOORE.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 9, 1861.

His Excellency A. B. MOORE,
Montgomery, Ala.:

SIR: I am instructed by the Secretary of War to state that in his letter dated yesterday, making a conditional call on Your Excellency for 3,000 volunteers, he omitted to state the description most desirable for the service contemplated. He now desires me to say that the Department wishes the whole force to be infantry, unless Your Excellency should be able to furnish two companies of artillery.

Respectfully, your obedient servant,

J. J. HOOPER,
Private Secretary.

(Similar letters to F. W. Pickens, Charleston, S. C.; J. J. Pettus, Jackson, Miss.; Thomas O. Moore, Baton Rouge, La.; M. S. Perry, Tallahassee, Fla.; Joseph E. Brown, Milledgeville, Ga.; Governor of Texas, Austin, Tex.)

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 9, 1861.

His Excellency A. B. MOORE,
Montgomery, Ala.:

SIR: Replying to your note dated yesterday, I beg to say that this Government is prepared and anxious to receive all of the corn purchased for the State of Alabama which may be sound and merchantable, and the Department had supposed that this was understood by Your Excellency.

Very respectfully, your obedient servant,

L. P. WALKER.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 9, 1861.

His Excellency JOSEPH E. BROWN,
Milledgeville, Ga.:

SIR: Your letter of the 4th instant has not been answered earlier because of the extreme pressure on the Department growing out of the present crisis in public affairs. Your Excellency will, I am sure, appreciate the embarrassments which have surrounded this Department, in view of the many which must have impeded Your Excellency's administration of similar affairs for the State of Georgia. The rule of the Department requiring the troops for the Provisional Army derived from the several States to be mustered in at Pensacola was general, and has been complied with in respect to all the troops except only those whom Your Excellency requested to be mustered in at Macon. It was therefore impossible to abrogate the rule, for that would have given just cause of offense to the State which has already complied with it. Touching the objection suggested by Your Excellency, that under the rule referred to such of the men as should be rejected on inspection would be discharged at an inconvenient distance from their homes, I beg to say that I have no doubt but that this Government will defray the expense of transportation and necessary temporary subsistence in the case of such rejected men.

On the subject of the appointment of surgeons for the Georgia troops, I beg to say that this Department will endeavor, as far as possible, to make its action correspond with that of Your Excellency, and with that end in view I must request Your Excellency to transmit me a list of the surgeons and assistants for your troops; and with reference to the possibility that the Department may be unable to make acting assistant surgeons of all your appointees, you will oblige me by indicating the names you prefer to be retained and in the order of your preference. Your Excellency's understanding of the point at which the Georgia quota is to serve is correct.

Very respectfully, your obedient servant,

L. P. WALKER.

SAVANNAH, *April 9, 1861.*

Hon. L. P. WALKER:

Have you called for more troops from Georgia? For what destination?

F. S. BARTOW.

NEW ORLEANS, *April 9, 1861.*

Hon. L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: I have the honor to report that the Governor of Louisiana has turned over to me the public property of the medical department captured from the United States. I will send off to-morrow supplies sufficient for Pensacola. There is a surplus of some articles and a deficiency of others. For the purchase of hospital stores, medicines, and instruments not on hand $2,000 in money will be necessary. Please send it to me at your earliest convenience. It will be necessary to have a medical officer of experience stationed here as medical purveyor in charge of the stores of the department and to make purchases. In an economical point of view it is essential, as well as the urgent necessity of supplying the different points with celerity. I will give a certified invoice to the State officer of the supplies turned over, and a Government officer must be responsible for them. I have given out proposals for further supplies when needed, and will find the lowest bidder who will furnish good supplies. I have informed you of the number of medical officers now sent to Pensacola to General Bragg. The two officers now on duty with the Louisiana regiment, I would suggest, should be employed in Government service, through courtesy to the Governor and colonel of the regiment, who desire it.

I am, sir, very respectfully, your obedient servant,

D. CAMDEN DE LEON,
Surgeon, C. S. Army.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 9, 1861.

Capt. WILLIAM MAYNADIER,
Frankford Arsenal, Bridesburg Post-Office, near Philadelphia:

SIR: I hereby offer you the appointment of Commissary-General in the Army of the Confederate States of America, and I have to request that you will signify your acceptance or non-acceptance at the earliest moment by telegraph, stating, also, if you accept, the time at which you can arrive in this city.

Respectfully, your obedient servant,

L. P. WALKER.

MILLEDGEVILLE, *April 10, 1861.*

Hon. L. P. WALKER:

The Washington Artillery Company, of Augusta, Captain Girardey, held meeting last night and announced ready. They are subject to your order in future. Much confusion will be avoided if you will make your requisitions for troops on me in the first instance before you make a call on the militia companies of this State, as I might be better acquainted than you can be with the best selection of companies for the service.

JOSEPH E. BROWN.

MONTGOMERY, *April 10, 1861.*

JOSEPH E. BROWN,
Milledgeville:

No requisition has been made except through yourself in the first instance. The call for Hill's company was made for the reason previously stated. You may feel satisfied that I shall regard all the courtesies.

L. P. WALKER.

NEW HAVEN, CONN., *April 10, 1861.*

Hon. JEFFERSON DAVIS:

MY DEAR SIR: I am a native of Tennessee, the stepson of the Hon. John Bell, of that State; the brother-in-law of Capt. John Pope, of the topographical engineers, the relative of Mrs. Mary McRee, in whose husband's company you served as lieutenant. I enter into this personal detail that I may, in some degree, prove to you that my connections are respectable, and that my statements and propositions may be received with some confidence. From present indications war seems to be resolved upon. If this dread contingency should arise, I can, without the slightest difficulty, raise and equip from this city two companies of 100 men each to serve under your command, every man a Democrat, upon whom you can rely. I have an independent fortune, and do not ask pecuniary assistance from any quarter. I only ask from you that you will receive these companies and grant for the war commissions to such officers as they may elect. I am a lawyer by profession, a graduate of Yale College, served in the Mexican war, was present at the siege of Vera Cruz and the battle of Cerro Gordo, and on account of my health have resided in this city for the past six years. Mr. Toombs is acquainted with my family, and will, I doubt not, assure you of its respectability; but I believe you know my mother, Mrs. John Bell, whom you have met in Washington.

With my most ardent wishes for your personal welfare, and for your successful administration amid the difficulties and embarrassments which encompass you,

I remain, with great personal esteem, most respectfully, your friend,

THOMAS YEATMAN.

MONTGOMERY, *April 10, 1861.*

JOHN FORSYTH,
Washington, D. C.:

Will take, to be delivered at once, ninety tons cannon and ten tons musket powder. Let there be no mistake as to its quality, and let me know terms, &c. Will not take rifles.

L. P. WALKER.

WASHINGTON, *April 10, 1861.*

L. P. WALKER,
Secretary of War:

I have ordered 200 tons best Hazard's cannon-powder at price paid by United States Government, to be delivered in same manner as the pistols.

JNO. FORSYTH.

GENERAL ORDERS, } EXECUTIVE DEPT., ADJT. GEN.'S OFFICE,
No. 5. } *Milledgeville, Ga., April 10, 1861.*

The Government of the Confederate States having made a contingent requisition upon this State for 3,000 volunteers, "to be well drilled, equipped, and held in instant readiness to meet any requisition from the War Department," the Governor and commander-in-chief invites offers of service from the volunteer companies of the State, to serve not less than twelve months, unless sooner discharged, and to go wherever required. No company will be received that has less than fifty or more than eighty, rank and file; that is not provided with a plain service uniform and a change of underclothing; that is not well drilled, and that does not pledge itself to march at a moment's notice when and where ordered. Knapsacks, haversacks, canteens, and camp equipage will be supplied to the companies when actually called out. Tenders of service under this invitation will be addressed to this office and will be accompanied by accurate muster-rolls of the officers, non-commissioned officers, musicians, and privates composing the company and by correct lists of the arms (kind and condition), accouterments, equipments, tents, and other military property in the possession of the company deemed of use. Each individual enrolled will be regarded as having pledged himself to the requirements of this order. Cavalry and artillery companies are not included in the call.

By order of the commander-in-chief:

HENRY C. WAYNE,
Adjutant-General.

JACKSON, MISS., *April 10, 1861.*

Hon. L. P. WALKER:

The papers publish that a call for 3,000 troops from Mississippi has been made. Is it true?

JOHN J. PETTUS.

MONTGOMERY, *April 10, 1861.*

Governor JOHN J. PETTUS,
Jackson, Miss.:

The call is conditional, to be held in readiness for emergency. Have written to you fully.

L. P. WALKER.

MONTGOMERY, *April 11, 1861.*

Hon. JOHN FORSYTH,
Washington:

Is the powder ready for delivery? If not, we have an order covering the point. The object in replying as I did to you was to get immediate supply. If to be manufactured, nothing is gained. The order to you was for ninety tons cannon and ten tons musket powder. Reply specially, and state time of delivery.

L. P. WALKER.

EUTAW, *April 11, 1861.*

Hon. L. P. WALKER:

DEAR SIR: I see it stated in the papers, whether reliable or not I am unable to say, that our commissioners have been refused at Wash-

ington; that the prospect of immediate war is imminent, and that a requisition has been made on Alabama for 3,000 additional volunteers. Please advise me how much of all this is true, and if there is a call for more men from Alabama what is the prospect for immediate and active service? What is the term of service? If a battalion or regiment organized and officered is raised, will it be received as such as a part of the quota of volunteer troops required from Alabama? Please write me fully immediately.

Your friend,

S. F. HALE.

MONTGOMERY, *April 11, 1861.*

Maj. E. KIRBY SMITH,
Saint Augustine, Fla.:

Your presence is wanted here. Come at once.

S. COOPER.

EXECUTIVE DEPARTMENT,
Milledgeville, April 11, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: Your requisition for 3,000 more volunteers, to be held in readiness to respond to any future order from your Department, has been received, and I have ordered the adjutant-general to issue a general order to the volunteer companies of this State informing them of the fact and inviting such as desire to enter the service to report immediately to this office.* I apprehend no difficulty in procuring a sufficient number to fill the requisition if they should be needed. We will do all in our power to be prepared with tents, accouterments, &c., which we have made at the Georgia penitentiary, which has to sustain itself. It will therefore require the payment of cash from the Confederate States for these supplies when furnished. It is perhaps proper that I should here mention that you will be expected to appoint some one to muster the volunteers into the service of the Confederate States while in this State, if they are destined for service out of the State, before the next regiment will be ordered to rendezvous for service out of the State. The sending of Georgia troops into other States to be mustered into service is attended with so much confusion and difficulty that I cannot recognize the instance of the regiment lately sent under peculiar circumstances as a precedent. As I wish no misunderstanding about this matter in future, I think it best to notify you of my conclusion in advance of a call for actual service, so that you may designate the officer who will perform that service in advance of a call by me for the rendezvous of the troops. I have every wish to accommodate, and Georgia will at all times be ready to do her part; but she will insist on having her rights and wishes respected when she is claiming the recognition of a principle of justice to her troops, as well as of obvious propriety. The adjutant-general or any other officer here under your appointment might perform the service.

Very respectfully, &c.,

JOSEPH E. BROWN.

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*See p. 217.

[APRIL 11, 1861.—For Pickens to Walker, in relation to call for 3,000 volunteers from South Carolina, see Series I, Vol. I, p. 304.]

Proclamation by the President of the Confederate States of America.

Whereas, an extraordinary occasion has occurred, rendering it necessary and proper that the Congress of the Confederate States shall convene to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Jefferson Davis, President of the Confederate States, do issue this my proclamation, convoking the Congress of the Confederate States for the transaction of business at the capitol, in the city of Montgomery, on the 29th day of April, at 12 o'clock noon, of that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the Confederate States, at Montgomery, this 12th day of April, A. D. 1861.

[L. S.] JEFFERSON DAVIS.

By the President:

R. TOOMBS,
Secretary of State.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 13, 1861.

Hon. S. F. HALE,
Eutaw, Ala.:

SIR: The Secretary of War instructs me to say, in reply to your letter of the 11th instant, that the events of the last two days he does not doubt will have solved the most material question it contained. The war has commenced, and for more than thirty hours the bombardment of Fort Sumter has been steady and well managed, and so far with results that seem to favor the idea of its early reduction. The call on the several State Executives to which you refer was, as you will have seen, conditional. It may be made absolute soon, but that will depend on events. This Department receives the troops furnished by the several States only through their respective Governors. It will therefore be proper for the regiment or battalion for which you write to make its application to His Excellency the Governor of Alabama.

Respectfully, your obedient servant,

J. J. HOOPER,
Private Secretary.

MARIETTA, *April 13, 1861.*

Hon. L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: I desire to communicate a fact, which you can use as you may think best. Capt. Arnold Elzey is at present in command at Old Point Comfort. He is a Marylander, and despairing of his State seceding and connecting herself with the Confederate States, is unwilling to remain longer in his present position. Captain Elzey has sympathized

with the Southern movement from the first. He was in command of the Augusta Arsenal, where he acted very handsomely. You may rely on this information, for I know it to be correct. As to your informant, I refer you to Governor Cobb.

Very respectfully,

WM. PHILLIPS.

BARRANCAS, *April 13, 1861.*

Hon. L. P. WALKER:

SIR: Excuse me for addressing you personally upon the subject that I am about to introduce; but having exhausted all the regular modes, I now apply to you. I do so with more confidence, knowing that it is your wish that the men from your section of the State should, when called upon, give a good account of themselves. To the subject: Three of the companies under my command are entirely destitute of accouterments and almost of clothing. My officers have made their requisitions upon the usual source of supply, but have always received in reply that they had nothing on hand. Men cannot fight unless they have something in which to carry their ammunition, nor make a respectable appearance unless they are properly clothed. If there is any source unknown to us where these very needful articles can be had, please inform me and you will receive the thanks of my entire command.

With much respect, your obedient servant,

J. G. COLTART,

Lieut. Col. Third Battalion, Alabama Twelve-Months' Vols.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,

Montgomery, April 15, 1861.

Capt. CALEB HUSE,

Corps of Artillery, Confederate States, on ordnance duty:

SIR: You are hereby directed to proceed to Europe, without unnecessary delay, as the agent of this Government, for the purchase of ordnance, arms, equipments, and military stores for its use. Detailed instructions as to the nature and extent of those purchases and as to their shipment, with a view to speedy and safe transit, will be given to you by the chief of the Bureau of Ordnance. You will, in addition to these duties, execute such instructions as may be given to you by heads of other departments of this Government in reference to their several departments. You will keep this Department constantly advised of your address, and after executing the instructions now given to you and such as may hereafter be sent to you, you will return and report yourself in person to the War Department.

Respectfully, your obedient servant,

S. COOPER,

Adjutant and Inspector General.

[APRIL 15, 1861.—For Magoffin to Cameron and Ellis to Cameron, refusing to comply with the requisition of President Lincoln for militia from the States of Kentucky and North Carolina, respectively, see Series III, Vol. I, pp. 70, 72.]

RICHMOND, VA., *April 15, 1861.*

Hon. L. P. WALKER,
Secretary of War:

DEAR SIR: In compliance with the instructions contained in your letter of the 6th instant, I have made every effort to purchase for the Confederate States the ordnance at the Belona Foundry enumerated in your communication to me. At one period there was every prospect of my entire success, but recent events have decided the authorities here to secure the guns for the defense of Virginia, and they will at once be put in position with that object. Both the Governor and lieutenant-governor assure me that they have been thus appropriated. Under these circumstances my further stay in Virginia becomes unnecessary, and I shall return to Savannah without loss of time. No communication from the Department has reached me since my arrival, though I have twice telegraphed that I could obtain a complete field battery, with horse harness, spare carriage, &c. An officer of the Confederate service is here to inspect the ordnance that may be turned out at the Tredegar Works.

I have the honor to be, very respectfully, your obedient servant,
EDWD. C. ANDERSON.

FRANKFORD ARSENAL, PA., *April 15, 1861.*

Hon. L. P. WALKER,
Montgomery, Ala.:

SIR: On receipt of your letter of the 9th instant I informed you (by telegraph, as you requested) that I could not accept the offer therein made.

Acknowledging the compliment paid me by the offer of a position of such rank and dignity, but which the dictates of conscience, of honor, and of duty now forbid me to accept,

I am, very respectfully, your obedient servant,
WM. MAYNADIER.

[APRIL 15, 1861.—For Pickens to Davis, reporting action taken to meet requisition for troops from South Carolina, see Series I, Vol. LIII, p. 144.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 16, 1861.

His Excellency the GOVERNOR OF ALABAMA:

SIR: In addition to the 3,000 troops for which I had the honor, under date of the 8th instant, to make a conditional call on the State of Alabama, I now beg leave to request Your Excellency to hold in readiness for instant movement 5,000 volunteer troops, armed and equipped, or as nearly so as practicable, and subject in all respects to requisition from this Department as the troops called for in my letter of the 8th instant. This call is precisely similar, except as to number, and in addition to that for the 3,000. The importance of holding the entire force now and previously called for in absolute readiness Your Excellency will fully appreciate, in view of the hostile purpose of the Washington Government, as indicated in the recent proclamation of the

President of the United States, which has just reached this Department, and which, in the opinion of this Government, makes this additional call necessary.

Very respectfully, your obedient servant,

L. P. WALKER.

(The same, *mutatis mutandis*, to the Governors of Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas, Florida being called upon for 2,000 men.)

[APRIL 16, 1861.—For Walker to Hindman, in relation to acceptance of troops from States not yet members of the Confederacy, and especially as to Arkansas, see Series I, Vol. I, p. 684.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 16, 1861.

Lieut. Col. J. G. COLTART,
Pensacola:

SIR: Your letter of the 13th instant has been received by the Secretary of War, who instructs me to reply to it. It is a source of very great regret to the Secretary that any of the troops in the service should be without supplies necessary either to their efficiency or comfort, and in the case of which you speak his personal interest is added to his sense of justice as the head of this Department. He begs you to remember, however, how difficult it is in the very nature of things for a new government to place a large body of troops hurriedly in the field without practically ascertaining points of deficiency and some cause for complaint. But the Secretary requests me to say that the necessary accouterments shall be forwarded to the companies you indicate at the very earliest possible moment. In regard to clothing, the Secretary begs to call your attention to the fourth section of "An act to provide for the public defense," which contains the provision, "and instead of clothing, every non-commissioned officer and private in any company shall be entitled, when called into actual service, in money to a sum equal to the cost of clothing of a non-commissioned officer or private in the Regular Army of the Confederate States of America." Under this provision your companies can supply themselves with clothing, and to meet the expense are entitled to and can draw the commutation for clothing, which the Secretary trusts will remove all inconvenience on that point.

Respectfully, your obedient servant,

J. J. HOOPER,
Private Secretary.

[APRIL 16, 1861.—For Letcher to Cameron, refusing to comply with the requisition of President Lincoln for militia from Virginia, see Series III, Vol. I, p. 76.]

[APRIL 16–18, 1861.—For correspondence between Moore (of Louisiana), Davis, and Walker, in relation to a regiment of Kentuckians for the Confederate service, see Series I, Vol. LII, Part II, pp. 50, 53, 54.]

MONTGOMERY, *April 17, 1861.*

His Excellency Governor PETTUS,
Jackson, Miss.:

The Secretary of War directs me to telegraph you his letters, respectively, of the 8th and 16th instant,* making conditional calls on Mississippi for volunteer troops. Said letters were mailed to Your Excellency on the days they respectively bear date.

Your obedient servant,

J. J. HOOPER,
Private Secretary.

[APRIL 17, 1861.—For Harris to Cameron, and Jackson to Cameron, refusing to comply with the requisition of President Lincoln for militia from Tennessee and Missouri, respectively, see Series III, Vol. I, pp. 81, 82.]

AN ORDINANCE to repeal the ratification of the Constitution of the United States of America by the State of Virginia, and to resume all the rights and powers granted under said Constitution.

The people of Virginia in their ratification of the Constitution of the United States of America, adopted by them in convention on the twenty-fifth day of June, in the year of our Lord one thousand seven hundred and eighty-eight, having declared that the powers granted under said Constitution were derived from the people of the United States and might be resumed whensoever the same should be perverted to their injury and oppression, and the Federal Government having perverted said powers not only to the injury of the people of Virginia, but to the oppression of the Southern slave-holding States:

Now, therefore, we, the people of Virginia, do declare and ordain, That the ordinance adopted by the people of this State in convention on the twenty-fifth day of June, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and all acts of the General Assembly of this State ratifying and adopting amendments to said Constitution, are hereby repealed and abrogated; that the union between the State of Virginia and the other States under the Constitution aforesaid is hereby dissolved, and that the State of Virginia is in the full possession and exercise of all the rights of sovereignty which belong and appertain to a free and independent State.

And they do further declare, That said Constitution of the United States of America is no longer binding on any of the citizens of this State.

This ordinance shall take effect and be an act of this day, when ratified by a majority of the votes of the people of this State cast at a poll to be taken thereon on the fourth Thursday in May next, in pursuance of a schedule hereafter to be enacted.

Adopted by the convention of Virginia April 17, 1861.

JOHN JANNEY,
President.
JOHN L. EUBANK,
Secretary.

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*See pp. 211, 221.

[APRIL 17, 1861.—For ordinance of the Virginia convention, authorizing the Governor to call volunteers into service, see Series I, Vol. LI, Part II, p. 22.]

GENERAL ORDERS, No. 5.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Montgomery, April 18, 1861.

In honor of the official announcement of the secession of the State of Virginia, and her adherence to this Confederacy, a salute of eight guns will be immediately fired in front of the Government building.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

MEMPHIS AND OHIO RAILROAD, PRESIDENT'S OFFICE,
Memphis, Tenn., April 18, 1861.

Hon. L. P. WALKER,
Secretary of War, Confederate States of America,
Montgomery, Ala.:

SIR: I am authorized by our Board of Directors to say to you that all troops and munitions of war for the use of your Government will be transported free of charge over this road. The following resolution was adopted unanimously at a meeting of our directors held in this city on the 16th instant:

Resolved, That the officers of this road be instructed to transport free of charge all troops and munitions of war for the use of the Confederate States of America over this road, and that the president convey officially forthwith to the Government at Montgomery the action of this Board.

Very respectfully, your obedient servant,

J. P. WOOD,
President.

MONTGOMERY, ALA., *April 18, 1861.*

Hon. L. P. WALKER,
Secretary of War:

DEAR SIR: In the matter of the Georgia forces and the reception of the tender made of them by the Governor of that State, I submit these views according to promise: By the third section of the act of Congress of the 28th of February the President of the Confederate States is "authorized to receive into the service of this Government such forces now in the service of said States as may be tendered," &c. Georgia had in January, 1861, ordered the raising of two regiments for the service of the State. These regiments were organized in battalions and companies, with all proper officers for efficient service, before the 28th of February, but the rank and file of the companies was not complete at that time; many of the companies without any men at all. Some of these have been filled up since, and the Governor is going on and filling up the rest by enlistments as fast as possible with the view of turning them over to the President. The question now presented, as I understand, is, can the President receive any forces or men from the respective States mentioned in the third section of the act of

the 28th of February which were not at the time the act passed actually in the service of the State? This depends upon the proper construction of the word "now" in the act. What was the force and meaning of that word at the time the act passed? Was it not intended to embrace all such forces as it was known that the States had raised for their respective defenses, and which in legal contemplation were then in service? Could any other idea have been entertained? To me this seems clear. A narrower or more restricted construction would prevent the President from receiving a single man who might have been recruited to fill up a vacancy after the 28th of February. This cannot be supposed to have been the intention of the act. If a single man recruited after the 28th of February can be received, why may not a whole company whose entire rank and file has been similarly filled up be received? The words "forces" and "now in the service," &c., must have had reference to the known military organization of the States at that time, and not to the personnel or individuals actually then constituting the companies.

These views I respectfully submit to your consideration.

ALEXANDER H. STEPHENS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 18, 1861.

THOMAS YEATMAN, Esq.,
New Haven, Conn.:

SIR: Your communication to the President of the Confederate States has been submitted to this Department, and I am instructed by the Secretary of War to express his warm appreciation of your loyalty and patriotism, as evinced by your proposition. Events indicate even more strongly than at the date of your letter (10th instant) that within a very short time it will become proper to receive into the forces of this Confederacy troops like those you propose to raise. Confident as we are of our ability to repel all aggression, this Government is disposed to welcome among the defenders of our institutions all such as are willing to assist in the re-establishment of sound principles on this continent. I am further instructed to say that while the Government is not at this moment prepared to accept absolutely your offer it trusts you will keep yourself and your associates prepared to move so soon as this Department shall be able to do so, at which time notice of the point within the Confederate States at which you will be received will immediately be forwarded to you. The Secretary offers you the expression of his high esteem.

Respectfully, your obedient servant,

J. J. HOOPER,
Private Secretary.

MILLEDGEVILLE, *April 18, 1861.*

Hon. L. P. WALKER:

I will have the 8,000 troops in readiness very soon. I have a division of volunteers nearly organized under act of the Legislature. Will you accept them by division and brigades? This would greatly facilitate.

JOSEPH E. BROWN.

JACKSON, MISS., *April 18, 1861.*

L. P. WALKER:

We have ten companies of cavalry. Will they be included in the requisition for 8,000 troops?

CHAS. CLARK,
Major-General.

CHARLESTON, *April 18, 1861.*

L. P. WALKER:

Received yours of April 16. Call for 5,000 more men will be responded to. South Carolina will always answer to the first tap of the drum.

F. W. PICKENS.

TALLAHASSEE, *April 19, 1861.*

L. P. WALKER:

SIR: I am engaged in raising the 1,500 troops called for, and will hurry them up. Will 500 additional troops be called for from this State? Our effective force does not exceed 13,000.

M. S. PERRY.

MONTGOMERY, *April 19, 1861.*

Governor M. S. PERRY,
Tallahassee, Fla.:

Two thousand additional troops have been called for, but if you cannot raise them expeditiously let me know, and I will revoke the requisition and make it elsewhere.

L. P. WALKER.

MONTGOMERY, *April 19, 1861.*

Governor BROWN,
Milledgeville:

I have not determined the question relative to divisions or brigades propounded in your dispatch of the 18th.

L. P. WALKER.

MONTGOMERY, *April 19, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville:

Your letter of the 17th of April is received.* For the sake of harmony and in the spirit of your proposition, I accept it. Technicalities must not stand in the way of preparation.

L. P. WALKER.

MONTGOMERY, *April 19, 1861.*

General CHARLES CLARK,
Jackson, Miss.:

Three companies of cavalry may be organized as part of requisition for 8,000 troops.

L. P. WALKER.

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*Not found.

[APRIL 19, 1861.—For Toombs to Stephens, appointing the latter special commissioner of the Confederate States to the Commonwealth of Virginia (with inclosures), see Series I, Vol. LI, Part II, p. 18.]

TALLAHASSEE, *April 20, 1861.*

Hon. L. P. WALKER:

I will raise 2,000 troops as soon as possible.

Respectfully,

M. S. PERRY.

MONTGOMERY, *April 20, 1861.*

Armaments of Forts Moultrie, Sumter, and Castle Pinckney (to which must be added the purchase made since by South Carolina).—Ten-inch columbiads, 3; 8-inch columbiads, 20; 8-inch sea-coast howitzers, 10; 42-pounder guns (estimated), 24; 32-pounder guns (estimated), 55; 24-pounder guns (estimated), 33 (purchases from Citadel in Charleston); 10-inch sea-coast and siege mortars, 16, and 9-inch heavy guns, 2, with a large supply of shot, shell, grape, and canister, and nearly 180,000 pounds of cannon powder (part purchased by the State); 40,000 pounds of musket powder (part purchased by the State); 40,000 pounds of rifle powder (part purchased by the State); 450,000 percussion-caps (part purchased by the State); 20,000 friction-tubes (part purchased by the State), and 52,000 pounds of lead (pig).

Fort Pulaski.—Thirty-two pounder guns, 20. Not known what additions have been made. There is a good supply of ammunition.

Forts in Pensacola Harbor.—Ten-inch columbiads, 3; 8-inch columbiads, 12; 42-pounder guns, 24; 32-pounder guns, 34; 24-pounder guns, 75; 18-pounder guns, 5; 12-pounder guns, 2; 8-inch sea-coast howitzers, 3; 24-pounder howitzers (for flank defense), 8; 8-inch navy guns, 2; total guns and howitzers, 169; 13-inch mortars, 2; 10-inch mortars, 1, and Coehorn mortars, 6; total mortars, 9. A good supply of shot, shell, grape, and canister on hand and making at Mobile.

Fort Morgan.—Ten-inch columbiads, 2; 8-inch columbiads, 2; 32-pounder guns, 64; 24-pounder guns, 15; 24-pounder howitzers (flank defense), 20; 10-inch mortars, 2, and 6-pounder field guns, 2; total, 107; 34,000 pounds of cannon powder and 550 muskets and rifles.

Fort Pike.—Twenty-four-pounder guns;.18; 24-pounder howitzers (flank defense), 9; total, 27; 5,600 pounds of cannon powder and good supply of balls, strap-shot, and canister.

Forts Jackson and Saint Philip.—Eight-inch columbiads, 7; 24-pounder guns, 50; 24-pounder guns (flank defense), 9; 32-pounder guns, 14; total, 80; 36,000 pounds of cannon powder and supply of shot and shell.

RECAPITULATION.

Ten-inch columbiads, 8; 8-inch columbiads, 41; 24-pounder guns, 191; 24-pounder guns (flank defense), 9; 32-pounder guns, 188; 24-pounder howitzers (flank defense), 37; 10-inch mortars, 19; 6-pounder field guns, 2; 42-pounder guns, 48; 18-pounder guns, 5; 12-pounder guns, 2; 8-inch sea-coast howitzers, 13; 8-inch navy guns, 2; 13-inch mortars, 2; Coehorn mortars, 6, and 9-inch navy guns, 2; in fortifications, 375.

At arsenals.—Thirty-two pounder guns, 40; 24-pounder guns, 3; 24-pounder howitzers (for flank defense), 6, and 8 and 10 inch mortars, 5; total in fortifications and arsenals, 429.

Field pieces in store at forts.—Six-pounder guns, 14; 12-pounder howitzers, 9; 24-pounder howitzers, 1; mountain howitzers, 5, and 6-pounder rifled guns, 6; total on hand, 35.

Ordered and expected.—Six-pounder guns, 4; 12-pounder howitzers, 2; 6-pounder steel guns (rifled), 6, and rounds of projectiles for the above, 27,518.

Powder.—Cannon powder at forts and arsenals, 329,145 pounds; musket powder at forts and arsenals, 91,709 pounds, and rifle powder in forts and arsenals, 70,257; total powder in forts and arsenals, 491,091 pounds. Small-arms cartridges of all kinds and in store at arsenals, 3,200,000.

Small-arms in hands of troops and at arsenals.—Rifled muskets, 1,765; percussion muskets, 60,886; muskets altered to percussion, 19,556; muskets (flint-lock), 8,283; percussion rifles, 6,990; Hall rifles, 5,001; Colt rifles, 73; carbines, 735; percussion pistols, 2,408, and Colt pistols, 468; total, 106,165.

Swords, sabers, &c.—Cavalry sabers, 407; cavalry sabers (model of 1840), 808; horse artillery sabers, 499, and artillery swords, 344; total, 2,058.

A considerable portion of the above arms have been issued to troops in the several States. Returns from the various forts and arsenals are very imperfect and sometimes wholly wanting. The foregoing statements do not, therefore, exhibit the entire quantity of material on hand.

J. GORGAS,
Major and Chief of Ordnance, C. S. Army.

[APRIL 20, 1861.—For Harris to Cameron, explaining grounds of action in refusing to comply with requisition of President Lincoln for militia from Tennessee, see Series III, Vol. I, p. 91.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 21, 1861.

J. P. WOOD, Esq.,
President Memphis and Ohio Railroad:

SIR: In compliance with the request of the Secretary of War, it gives me great pleasure to acknowledge the receipt of your letter of the 18th of April, inclosing the resolution passed by your Board of Directors to pass over the Memphis and Ohio Railroad all troops and munitions of war for the service of the Confederate States free of charge. It is truly gratifying to the Government, in the midst of its labors for the general defense of the Southern States against a perfidious and incendiary foe, to receive such evidences of self-sacrificing and fervent patriotism, and I cordially thank yourself and your directors in the name of this Department for your generous resolution.

With high consideration and respect, your obedient servant,
JOHN TYLER, JR.

GENERAL ORDERS, No. 6.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Montgomery, April 22, 1861.

DETAIL FOR RECRUITING SERVICE.

The following officers are detailed for the recruiting service and will enter upon that duty without delay, at the places respectively designated:

Capt. Theodore O'Hara, at Vicksburg, Miss.

Capt. Robert G. Cole, at Augusta, with branch rendezvous at Macon and Milledgeville, Ga.

Capt. Stephen D. Lee, at Charleston, S. C.

First Lieut. Charles W. Phifer, at New Orleans, La.

First Lieut. Edward Ingraham, at Mobile, Ala.

The recruits when enlisted will be sent to depots as follows:

From Augusta, Macon, and Milledgeville, to Augusta Arsenal.

From Mobile, to Fort Morgan.

From New Orleans, to Baton Rouge Barracks.

From Vicksburg, to Baton Rouge Barracks.

The recruits enlisted at Charleston will be quartered at the Arsenal Barracks.

The officers stationed at Charleston, Augusta, and Mobile will make requisition for clothing upon this office, and in like manner all recruiting officers will send in their estimates for funds.

The first issue of clothing to recruits will be one blue shirt (to be made into a blouse), three undershirts, two pairs of overalls, two pairs of drawers, two pairs of stockings, one pair of bootees, one blanket, one leather stock.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

[APRIL 22, 1861.—For Rector to Cameron, refusing to comply with the requisition of President Lincoln for militia from Arkansas, see Series III, Vol. I, p. 99.]

AN ACT of ratification.

Whereas, by act of the General Assembly of the State of Florida a convention of the people was ordained to be assembled in the city of Tallahassee on the 3d day of January, A. D. 1861, "for the purpose of taking into consideration the dangers incident to the position of this State in the Federal Union, and the measures which may be necessary and proper for providing against the same, and to amend the constitution of the State of Florida so far as the same, in the judgment of said convention, may be necessary," and therefore "to take care that the Commonwealth of Florida shall suffer no detriment;"

And whereas, we, the delegates of the people of the State of Florida, did, in pursuance of said act, assemble in convention on the day and in the place therein specified, and being thus charged with the duties aforesaid, after mature deliberation and in considerate performance thereof, did, on the 10th day of January, in the year of our Lord 1861,

in convention aforesaid, "ordain, publish, and declare" that the State of Florida "hereby withdraws herself from the confederacy of States existing under the name of the United States of America, and from the existing Government of said States; and that all political connection between her and the Government of said States ought to be, and the same is hereby, totally annulled, and said union of States dissolved, and the State of Florida declared a sovereign and independent nation; and that all ordinances heretofore adopted in so far as they create or recognize said union are rescinded, and all laws or parts of laws in force in this State in so far as they recognize or assent to said union be, and they are hereby, repealed;"

And whereas, the people of the State of South Carolina, in convention assembled, had dissolved their connection with the Government of the United States of America, and invited such other of the slave-holding States as might in like manner declare their independence, to meet her in convention at Montgomery, in the State of Alabama, for the purpose of forming a new government;

And whereas, this convention did appoint three delegates to meet in a convention of States, at Montgomery aforesaid, on the 13th day of February last, or at such other time and place as might be agreed upon, the delegates of such other slave-holding States as then had or should have, before the final adjournment of said convention, dissolved their connection with the late Federal Union, for the purpose, among other things, of forming a permanent government for a confederacy of such States;

And whereas, a convention of delegates from the following States, viz, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas met at Montgomery aforesaid, and on the 11th day of March, A. D. 1861, agreed upon and reported to the convention of the several States therein represented a Constitution for the Confederate States of America:

Now, be it known that we, the delegates of the people of the State of Florida, in convention assembled, in the name and in behalf of the people of the State, having maturely deliberated and fully considered the aforesaid proposed Constitution, do, by these presents, assent to and ratify the Constitution adopted by the Congress of States aforesaid on the 11th day of March, A. D. 1861, at Montgomery, in the State of Alabama, for the government of the Confederate States of America; declaring, nevertheless, that as the powers conferred through said Constitution on the Confederate Government emanate from the people of the several States, in their separate sovereign capacity, said powers may be resumed, in the same manner in which they are delegated, whenever they shall be perverted to the injury of the people; each State by her delegates in convention having the right to judge of the occasion that may require such action; and hereby announcing to all those whom it may concern that the said Constitution is binding on the people of the State of Florida.

Adopted unanimously in open convention at the capitol, in the city of Tallahassee, Monday the 22d day of April, A. D. 1861.

JOHN C. McGEHEE,
President of Convention.

Attest.

WILLIAM S. HARRIS,
Secretary of Convention.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 22, 1861.

His Excellency A. B. MOORE,
Montgomery, Ala.:

SIR: I have the honor hereby to call upon Your Excellency for two regiments of infantry for the service of the Confederate States, to rendezvous at Lynchburg, Va., at the earliest possible moment, and to be mustered in at such point as Your Excellency may designate within or without the State of Alabama. Transportation and subsistence expenses of these troops will be paid by this Government from the point of departure. In all respects these two regiments will conform to the regulations under which troops have been heretofore raised by the State of Alabama for this Government, and which are so well known to Your Excellency as to need no repetition here. I shall confidently hope that Your Excellency will be able to fill this requisition in a very short time, as much depends upon the celerity with which this force is moved forward.

With great respect, your obedient servant,

L. P. WALKER.

MONTGOMERY, ALA., *April 22, 1861.*

Hon. L. P. WALKER,
Secretary of War Confederate States of America:

SIR: The military operations which you have indicated as impending render it at once necessary to secure a very large supply of subsistence stores. The failure of the crops in Tennessee and Southwest Virginia renders it imperative to collect all that is available without delay. The obstacles threatening in the Northwest are equally significant. I therefore respectfully urge on your attention that a credit not less than $500,000 be issued in favor of Col. Fleming Hodges to enable him to carry out the above-mentioned purpose.

I have the honor to be, sir, very respectfully, your obedient servant,

L. B. NORTHROP,
Lieut. Col. and Acting Commissary-General, C. S. Army.

MONTGOMERY, *April 22, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville:

I make requisition on you for two regiments of infantry, to rendezvous without delay at Richmond, Va. Conform the organization as far as possible to the law providing for the public defense. They will be mustered into service at such place as you may designate, and transportation and subsistence provided accordingly. Answer.

L. P. WALKER.

MONTGOMERY, *April 22, 1861.*

Governor B. MAGOFFIN,
Frankfort, Ky.:

SIR: Your patriotic response to the requisition of the President of the United States for troops to coerce the Confederate States justifies the belief that your people are prepared to unite with us in repelling

the common enemy of the South. Virginia needs our aid. I therefore request you to furnish one regiment of infantry without delay, to rendezvous at Harper's Ferry, Va. It must consist of ten companies of not less than sixty-four men each. The regiment will be entitled to one colonel, one lieutenant-colonel, one major, one adjutant from the line of lieutenants, one sergeant-major from the enlisted men. Each company is entitled to one captain, one first lieutenant, two second lieutenants, four sergeants, four corporals, and two musicians.

The officers, except staff officers, are to be appointed in the manner prescribed by the law of your State. Staff officers are appointed by the President; the term of service not less than twelve months, unless sooner discharged. They will be mustered into the service of the Confederate States at Harper's Ferry, but transportation and subsistence will be provided from the point of departure. They will furnish their own uniform, but will receive its value in commutation. Arms and ammunition will be sent to Harper's Ferry or such point as you may designate. Answer, and say whether you will comply with this request, and if so, when.

L. P. WALKER,
Secretary of War.

(The same, *mutatis mutandis*, to the Governor of Arkansas, for one regiment, to rendezvous at Lynchburg, Va.; North Carolina, for one regiment, to rendezvous at Richmond, Va.; Tennessee, for three regiments, to rendezvous at Lynchburg, Va.)

MONTGOMERY, *April 22, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

I make requisition on you for one regiment of infantry, to rendezvous without delay at Richmond, Va. Conform the organization as far as possible to the law providing for the public defense. It will be mustered into service at such place as you may designate, and transportation and subsistence provided accordingly. Answer.

L. P. WALKER.

MONTGOMERY, *April 22, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

I telegraphed you to-day for one regiment, to rendezvous at Richmond, Va. If you have two regiments ready you may order both to Richmond. I cannot say now how long it will be before the others are called into service. I think not long, however.

L. P. WALKER.

NEW ORLEANS, *April 22, 1861.*

L. P. WALKER:

Ten companies left. Three here with St. Paul's. Shall I send them to Pensacola? Shall I have the companies offering under the requisition mustered into service of Confederate States as they arrive? Kentucky regiment looked for soon, without arms. Answer.

THO. O. MOORE.

MONTGOMERY, ALA., *April 22, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

The three companies with St. Paul's can be sent to Pensacola. The companies offering under my conditional requisitions will not be mustered into service until the call is made absolute.

L. P. WALKER.

MONTGOMERY, *April 22, 1861.*

Governor JOHN J. PETTUS,
Jackson, Miss.:

I make requisition upon you for two regiments of infantry, to rendezvous without delay at Lynchburg, Va. Conform the organization as far as possible to the law providing for the public defense. They will be mustered into service at such place as you may designate, and transportation and subsistence provided accordingly. Answer.

L. P. WALKER.

CHARLESTON, S. C., *April 22, 1861.*

President DAVIS:

General Bonham with the troops is on his way to Richmond; more will start every day now. I have assigned Bonham, with his full staff, subject to your order and mine, to terminate upon your giving another. He desired his staff. They are subject to your orders in all things. There is difficulty in selecting proper troops, as I desire none but what are experienced.

F. W. PICKENS.

NASHVILLE, *April 22, 1861.*

L. P. WALKER:

The defense of Virginia is the defense of Tennessee, as well as the whole South, and while I have no authority under the constitution or laws of Tennessee to order troops beyond the limits of the State, and our military organization is very defective, yet I have no doubt I can raise the three regiments for Lynchburg within a very few days, and think it safe to say you can rely upon them.

ISHAM G. HARRIS.

MONTGOMERY, *April 23, 1861.*

Governor H. M. RECTOR,
Little Rock, Ark.:

If you received my dispatch of yesterday requesting you to furnish a regiment I shall be obliged to know your answer.*

L. P. WALKER.

[APRIL 23, 1861.—For Flournoy, *et al.*, to Walker, tendering a regiment from Arkansas, see Series I, Vol. I, p. 688, and for Walker to Flournoy, accepting the regiment, see Series I, Vol. LI, Part II, p. 26.]

*For reply, see Series I, Vol. I, p. 687.

MILLEDGEVILLE, *April 23, 1861.*

Hon. L. P. WALKER:

I will respond as promptly as possible to your requisition for two regiments of infantry. Can only tender them organized according to the laws of Georgia. Could send forward some companies very soon. I propose that each company march as soon as ready by way of Augusta, where you will be expected to have an officer to muster each into service as it passes and before it leaves the State, with the understanding that each ten companies when they arrive at Richmond be permitted to elect field officers and organize into a regiment. In this way the troops can arrive there with greater dispatch than if required to rendezvous and form into regiments and be mustered in as regiments before leaving Georgia. If this is agreeable I will direct railroad companies in Georgia to send bills to you for transportation of companies, and you will please make arrangements beyond Augusta. Answer immediately, as I wish to know how to shape my orders.

JOSEPH E. BROWN.

MONTGOMERY, *April 23, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville, Ga.:

Your proposition is entirely agreeable. Let me know when you will be ready.

L. P. WALKER.

MILLEDGEVILLE, *April 23, 1861.*

Hon. L. P. WALKER:

To whom shall the companies report to be mustered into service at Augusta? They are in different parts of the State, and cannot all go forward for a few days. Some of them will start in a day or two. Will try to have tents, knapsacks, and accouterments for them all. Will want some muskets from Augusta Arsenal. Please direct Major Cumming, now there, to furnish them. Answer.

JOSEPH E. BROWN.

MONTGOMERY, ALA., *April 23, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville:

Captain Cole is ordered to Augusta to muster in the troops. Major Cumming is ordered to supply your requisition for muskets. I hope, however, that you will make it as light as possible.

L. P. WALKER.

MONTGOMERY, *April 23, 1861.*

Governor MAGOFFIN,
Frankfort, Ky.:

If you received my dispatch of yesterday requesting you to furnish a regiment I shall be obliged to know your answer.*

L. P. WALKER.

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*Not found; but see Duncan to Walker, Series I, Vol. LI, Part II, p. 37.

APRIL 23, 1861.

L. P. WALKER,
Secretary of War, Montgomery, Ala.:

I am exerting myself to have the regiments, as wanted by your dispatches of yesterday, in readiness as early as practicable; but as our State cannot keep men in camp to move at any moment, for want of means, and the Confederate Government will not take charge of them until wanted for immediate use, they are obliged to remain at home, and ordered here by me whenever you call for them. Of course, then, it requires time, but rest assured all I can do will be done. If I could receive them at any time and at once muster them into the service of the Confederate States, I believe I could soon fill both requisitions early. Will you order your commanding officer here to receive and muster into service companies, battalions, or regiments as fast as organized? Otherwise it must always require time to bring them here.

Yours, respectfully,

THO. O. MOORE.

MONTGOMERY, *April 23, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

Will you let me have two regiments or one?

L. P. WALKER.

JACKSON, *April 23, 1861.*

L. P. WALKER:

Requisition for two regiments received. Will be promptly responded to. Will telegraph you place of rendezvous to-morrow.

JOHN J. PETTUS.

RALEIGH, *April 23, 1861.*

Hon. L. P. WALKER:

Our Legislature will meet soon, and will furnish the regiment as soon as [I] get authority. Am concentrating troops here as fast as possible.

JNO. W. ELLIS,
Governor.

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
April 23, 1861.

I am willing, if a full roll of the above companies shall be made out, to give the proper order for them to march to Virginia and Maryland for defense; but still they are volunteers from South Carolina, and not technically in the Provisional Army of the Confederate States, but volunteers from South Carolina, to be placed under a Confederate general for twelve months, if necessity requires, but not to be ordered back to garrison any fort or to march to other States permanently without the consent of the Governor of South Carolina.

Hon. Mr. WALKER,
Secretary of War:

SIR: The men I have sent and am sending to Virginia are sent upon the above conditions. I felt it a duty to make a difference between the service in Virginia and Maryland and the services that might be rendered in the Confederate States. Virginia has not yet joined the Confederate Government, and is therefore in a different relation to us from the States which are under the Confederate Government. You will perceive that I expressly make as a condition that they shall be commanded by a general of the Confederate forces, appointed by the President. I take it for granted this will be entirely satisfactory to the President. Please let me know. The difficulty I have had arose from the sudden and unexpected events in Virginia and Maryland, and they did not volunteer or leave home with any expectation of being called on to go to Virginia. Hardly any full regiment with all its companies was prepared to go off so suddenly, and I have taken parts of regiments, and the conditions annexed are that the regiment shall not be broken up, but the remnant called on, if necessary, to re-enforce the part sent. About four companies start every day or two.

Very respectfully, yours,

F. W. PICKENS.

COLUMBIA, S. C., *April 23, 1861.*

General D. F. JAMISON:

DEAR GENERAL: It is announced in the papers that you had gone to Montgomery to make arrangements for the transfer of the volunteers in this State into the service of the Confederate States. I was glad to see this announcement, and if consistent with your views of your duty I would be pleased if you would insist upon preserving our brigade organizations. If my brigade should consent to go into the service of the Confederate States, or if two of my regiments should consent to go, I would rejoice to be able to go with them. I have here under my command two regiments, one of my own and one of McGowan's, numbering about 2,000 troops. The call has not been made yet for volunteers, but will be made in a few days. I have been engaged during the last fortnight in organizing and drilling these troops, and it would be hard for those who are devoting themselves to this service to be superseded and their commands taken from them.

I have the honor to be, very respectfully, your obedient servant,

A. C. GARLINGTON.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 24, 1861.

H. J. RANNEY,
President of the New Orleans, Jackson and Great Northern Railroad Company, at New Orleans:

SIR: The President has referred to this Department your letter of 20th of April, inclosing the resolutions of the Board of Directors of the New Orleans, Jackson and Great Northern Railroad Company, tendering the company's services for the transportation of troops and munitions of war for the Confederate States free of expense. Rest assured that this highly generous and patriotic action of your directory comes to this Government at an opportune moment and is most

acceptable in form and substance. Nothing could be more gratifying to the Administration than such profound evidences of devotion to the common cause. Men imbued with so elevated regard for public necessities, and a spirit so self-sacrificing, are indeed worthy of liberty, and set even before the members of the Government the loftiest example of personal bearing in view of the arduous duties incident to their position. In the name of the President and each member of the Cabinet, I return you and your directory, individually and collectively, our sincere and undivided thanks. The Quartermaster-General will receive instructions to communicate with you in detail.

I have the honor to be, with consideration and respect, your obliged and obedient servant,

L. P. WALKER,
Secretary of War.

SAVANNAH, *April 24, 1861.*

Hon. L. P. WALKER:

One of our correspondents in Glasgow has an iron clipper British ship of 800 tons now at Halifax, Nova Scotia. We are authorized to order her to Savannah if we will guarantee a return freight of cotton with dispatch to England, where she is immediately required. Although Halifax is not the cheapest place to buy provisions, they can be had much cheaper there than here, and we propose leaving to-morrow for Halifax in person, filling her with beef, pork, and fish for account of the Southern Confederacy, and charging nothing for our labor, provided you will guarantee the owners of the ship against all losses by detention growing out of seizure, blockade, or being ordered off to other ports if unable to enter this river. The papers for the provisions would be made out in our name as British subjects. We on our part would guarantee the ship a full cargo of cotton. Answer by telegraph.

ANDREW LOW & CO.

[Indorsement.]

The above is in every respect reliable, and in my judgment important.

F. S. BARTOW.

NEW ORLEANS, *April 24, 1861.*

L. P. WALKER:

I hope to be able to send one regiment complete on Saturday, if not before.

THO. O. MOORE.

[APRIL 24 and 25, 1861.—For Flournoy to Walker, in relation to arms for a regiment from Arkansas, see Series I, Vol. I, p. 688.]

RALEIGH, *April 24, 1861.*

Hon. L. P. WALKER:

You shall have from 1,000 to 10,000 volunteers in a few days, with arms, and I wish them to go as State troops. Many of our men will

enlist in Confederate Army. Will have a regiment ready in four days. Funds will be required for transportation, as I cannot lawfully draw on the State treasury for this purpose. I am anxious to send at least three regiments. Our Legislature will meet in few days. I will not await, however.

JOHN W. ELLIS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 25, 1861.

The PRESIDENTS OF THE SEVERAL RAILROAD COMPANIES NOW ASSEMBLED IN MONTGOMERY, ALA.:

GENTLEMEN: I avail myself of your presence in this city to ask your assistance in arranging a plan for the transportation of troops and material of war of every description to any point within the Confederate States at which they may be needed, and with the degree of promptness required in all military operations. Having entire confidence in the disposition of each of you to aid this Government with all the means in your power, I respectfully ask that you will take this subject under consideration and arrange with the Quartermaster-General all necessary details, so that he may be enabled to call upon you at any hour in the future for such transportation on your several lines as the necessities of the service may demand.

With great respect, your obedient servant,

L. P. WALKER,
Secretary of War.

MILLEDGEVILLE, GA., *April 25, 1861.*

Hon. L. P. WALKER:

I am obliged to be in the upper part of this State about a week. Start to-morrow early. Will other troops be called for, and how many, within that time? Answer at once, that I may issue orders, if necessary. Who appoints surgeons to volunteer regiments, and how many to each?

JOSEPH E. BROWN.

MONTGOMERY, *April 25, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville:

I cannot say just now when other troops will be called for; think within a very short time. Probably two additional regiments from Georgia. The law allows one surgeon and one assistant surgeon to each regiment. I appoint them.

L. P. WALKER.

AUGUSTA, *April 25, 1861.*

Hon. L. P. WALKER:

Please inform me whether my division is to be called in the field. The Governor can give me no satisfaction, and I desire to leave in person for Virginia if I can't take a command there.

W. H. T. WALKER,
Major-General First Division, Georgia Volunteers.

MONTGOMERY, ALA., *April 25, 1861.*

General W. H. T. WALKER,
Augusta, Ga.:

It would give me pleasure to be able to answer your question, but I cannot. My requisitions are made upon the Governor, and all troops come in through him.

L. P. WALKER.

[APRIL 25, 1861.—For correspondence between Walker and Ellis, in regard to procuring arms from the Fayetteville Arsenal, see Series I, Vol. I, p. 487. For other correspondence between the Governor of North Carolina and the Secretary of War, from April 25, 1861, to April 12, 1862, relating to raising, equipping, and keeping in the field the troops from that State, see Series I, Vol. LI, Part II, pp. 33, 195, 203, 274, 367, 368, 371, 472, 474, 536.]

EXECUTIVE DEPARTMENT, SOUTH CAROLINA,
April 25, 1861.

Hon. Mr. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: I received your telegram yesterday as to the purchases of supplies—bacon, flour, &c.—in which you say you have ordered them and that they will be sent to us in three weeks. I will order a requisition of what may be necessary made out and inclose it to you, so that you may know what to send us, and we will calculate on getting it certain by three weeks. I have laid in supplies for four or five weeks now, and one reason why I telegraphed you was that we might not come into competition in purchasing the same articles in the same markets unnecessarily. I have about 10,000 troops in actual service with those sent to Virginia. I have two regiments in Columbia, at a healthy position, training and equipping—about 2,200 men. I have also two more regiments in reserve near this city for the same purpose, and four on the islands in and near the harbor. Two of those on the islands and the two near the city I propose to move back on the railroads after a few days into more healthy locations—at Florence, on the North Carolina side, and at Aiken, on the Georgia side—and there to form a camp, ready to await any orders you may send. These have all been ordered at the special requisition of General Beauregard and shall not be moved without his express sanction. It strikes me, as I have them out now, the best thing is to train them to camp and field duty at once and equip them. This is the reason I propose to encamp them for a few weeks longer. I hope in these arrangements I have your approbation, as I desire to do nothing but what is acceptable to the Confederate Government. Not being at all informed as to what are the plans of the campaign or what are the general outlines of civil policy to be pursued, I am endeavoring to uphold and advance what I suppose to be the general interests and policy of the Confederate States; but you will be so good as to make any suggestions you think proper to make, after consulting the President, and it will afford me great pleasure to follow whatever line of policy you may have adopted. I am not particularly informed as to the course of Virginia and North Carolina, and do not know whether

I am to consider them as certain to be annexed to the Confederate States or not, or whether they expect to act permanently with the other Border States. I regret to trouble you at such length, but find it necessary, as I desire to act understandingly in matters of the utmost importance to our common country.

Very respectfully, yours,

F. W. PICKENS.

RICHMOND, FREDERICKSBURG AND POTOMAC R. R. CO.,
PRESIDENT'S OFFICE,
Richmond, Va., April 25, 1861.

Major-General LEE:

SIR: Having had some eight years' experience in the management of railroads, and having recently some acquaintance with their use for State defense, and reflected upon it, I beg leave respectfully to submit to you the inclosed suggestions, which may have, to some degree, been overlooked by others less familiar with the subject or more preoccupied with other public duties. I would further suggest that a printed circular letter embodying these suggestions, emanating from you or the Governor, and addressed privately to the presidents and superintendents of our railroads, might be the most useful mode of giving them effect. Should they contribute in any degree to the safety and honor of the Commonwealth I shall be much gratified. To the seventh and last paragraph permit me to ask your special attention. At this time there are engines and trains run on this road by the military authorities between Fredericksburg and the Potomac River with very unnecessary frequency, wearing out our engines (which should, especially now, when others cannot be procured, be carefully husbanded), and preventing the carriage by the usual trains of the wood which is necessary for the engines, and which is rapidly being consumed, where it is most necessary to keep a supply. But far more than all these considerations, the hourly danger of collisions and a consequent disabling of the engines and road requires the cessation of this practice, which no doubt is continued from the want of appreciation of its evil consequences only.

I remain, with great respect, your obedient servant,

P. V. DANIEL, JR.,
President Richmond, Fredericksburg and Potomac R. R. Co.

[Inclosure.]

To make the railroads of this State most effective aids in the public defense, and to prevent their being equally effective means of invasion and attack to its enemies, the following precautions are necessary:

First. Every engine and car, whether for freight or passengers, not absolutely needed for immediate use, should be at once removed from any terminus or other point on each railroad which by any possibility may be suddenly invaded by the enemy to some other point or points on the road where they will be secure from capture and most available to the State.

Second. At every such point there should be kept a locomotive engine always, night and day, fired up, and with a full supply of wood and water, and an engineer and fireman ready at a minute's warning to run over the road and give warning of the enemy's approach. Should this engine be compelled to leave its station at any time, for however short an interval of time, another should be ready

to take her place. For the same purposes the road should be fully supplied with light pole-cars at short and convenient distances along its length. These are lighter and more easily operated than hand-cars, which are also useful. Tar barrels or other materials for beacon fires might also be advantageously placed at convenient stations on the road, to give warning to the neighborhoods, to be fired only by the subaltern officers of the Army or of the railroad when ordered.

Third. Every bridge and important culvert on the road should be guarded day and night by at least two well-armed watchmen, to protect them from being fired or blown up or otherwise injured by emissaries of the enemy. These watchmen should also be furnished with means of obstructing or breaking up the track at a short distance from their bridge or culvert when they have received orders to do so through the alarm engine or pole-car, so as to give them time, after the enemy is certainly and actually near at hand, to destroy or weaken, by burning, blowing up, or sawing timbers, their bridge or culvert, under orders of their superior railroad officer or of the military commander for the district. But without such order no injury should in any event be done, or permitted to be done, by such watchmen to any such bridge or culvert. Any disregard of this last regulation might be most disastrous to the State and should be severely punished. There is great danger of such disaster from the violence of excited or panic-stricken persons or bodies of men, and a strong guard may be needed to prevent it.

Fourth. Engineers and machinists should be instructed on the certain, but only on the certain, and near approach of an overpowering force of the enemy to remove and carry away or effectually conceal the main connecting rods of their engines, whether on the road or in any engine-house or workshop, thus thoroughly and to the enemy irreparably disabling, without permanently injuring, the engines.

Fifth. All burden, box, or house cars should at once have cleats of wood, fastened at suitable heights and distances to their inner sides, with strong planks, cut to the exact inner width of the car, to place on them as seats for troops, when more are to be transported than can be carried in the passenger-cars. When not used for this purpose these planks should be laid flat on the floor of the car, so as at once to be in place when needed, and when not needed to leave it free to be used for freight.

Sixth. Every railroad company should at once strengthen all its open flat-cars, and, as far as it can conveniently do so, build others of the strongest practicable pattern and material, for the transportation of heavy ordnance.

Seventh. Safety to lives and the protection both of trains and roads from destruction by collisions make it imperatively necessary that all trains should be regulated in their speed and movements by no one except the conductors or engineers of such trains, in accordance with the regulations and time-tables of the company. Disregard of this regulation will inevitably result in collisions, with all their consequent injuries to persons, to the road, and to the State, and obstruction and privation of the use of the road and machinery for an indefinite period of time. It cannot be too rigorously observed and enforced.

[Indorsement.]

The within suggestions to be embodied in circular to president of every railroad.

R. E. L.

RICHMOND, VA., *April 25, 1861.*

Hon. ROBERT TOOMBS,
Secretary of State, Montgomery, Ala.:

After receiving your letter of instruction, with other papers relating to my mission to the Commonwealth of Virginia, on the 18th [19th] instant,* I left Montgomery forthwith and proceeded without delay to this place, where I arrived Monday, the 22d instant. I presented myself, with letter of credence, to Hon. John Letcher, Governor of the Commonwealth, who communicated the same immediately to the State convention, then in session. That body on the same day passed a resolution, a copy of which is herewith sent, inviting me to meet them in session at such time as would suit my convenience. The hour designated was 1 o'clock the next day, Tuesday, the 23d instant. At the appointed time I met the convention in secret session with the Governor, Executive Council, Major-General Lee (the commander-in-chief of the State forces), and some other invited persons present. To the convention I urged the great importance of an immediate union of the Commonwealth with the Confederate States under our Constitution for Provisional Government, with a view to a permanent union under our permanent Constitution. I also urged strong reasons for an immediate conventional agreement between the two governments before such union could take place, particularly in relation to the military forces and military operations.

By another resolution, a copy of which is herewith sent, the convention appointed a committee of five of its own members, headed by ex-President John Tyler, to confer with me upon the subject.

After conference and full explanation on my part of our Constitution for Provisional Government the committee determined to report to their body an ordinance adopting that Constitution, which was subsequently passed, a copy of which will also be found accompanying this dispatch. In further conference with the committee a convention between the Commonwealth and Confederate States, temporary in its character, and to have effect in the interval between the time of its ratification and the contemplated union of said Commonwealth with our Confederacy, was agreed upon and signed by us. This was done on the 24th instant. By its terms it is to be ratified by both governments before it is to take effect. The ratification on the part of the Government here has just taken place, and I now have the honor of inclosing the convention so agreed upon, with the resolution of ratification, with this dispatch. Of the importance of this arrangement at this particular juncture of our public affairs I need not now speak nor of the embarrassments and difficulties in getting it effected.

Hoping, however, that what has been done will meet the approval of the President and Congress, I submit the whole without further comment or remark.

Yours, most respectfully,

ALEXANDER H. STEPHENS.

[Inclosure No. 1.]

Resolved, That a committee of three be appointed to wait upon the Hon. A. H. Stephens, commissioner from the Government of the

* See Series I, Vol. LI, Part II, p. 18.

Confederate States, and invite him to communicate in person with this body at such time as may best suit his convenience.

Adopted by the convention of Virginia April 22, 1861.

JOHN CRANE, JR.,
Assistant Secretary.

Committee: John Goode, jr., Jeremiah Morton, John T. Thornton.

[Inclosure No. 2.]

Resolved, That a committee of five be appointed to confer with the Hon. Alexander H. Stephens, commissioner from the Confederate States, and to arrange with him the terms of a union or alliance between this State and the said Confederate States, subject to the ratification or rejection of this convention.

Adopted by the convention of Virginia April 23, 1861.

JNO. L. EUBANK,
Secretary of Convention.

Committee: Messrs. Tyler, Preston, Moore, Holcombe, Bruce, Harvie.

[Inclosure No. 3.]

AN ORDINANCE for the adoption of the Constitution of the Provisional Government of the Confederate States of America.

We, the delegates of the people of Virginia, in convention assembled, solemnly impressed by the perils which surround the Commonwealth, and appealing to the Searcher of Hearts for the rectitude of our intentions in assuming the grave responsibility of this act, do, by this ordinance, adopt and ratify the Constitution of the Provisional Government of the Confederate States of America, ordained and established at Montgomery, Ala., on the 8th day of February, 1861: *Provided*, That this ordinance shall cease to have any legal operation or effect if the people of this Commonwealth, upon the vote directed to be taken on the ordinance of secession passed by this convention on the 17th day of April, 1861, shall reject the same.

[Inclosure No. 4.]

CONVENTION between the Commonwealth of Virginia and the Confederate States of America.

The Commonwealth of Virginia, looking to a speedy union of said Commonwealth and the other slave States with the Confederate States of America according to the provisions of the Constitution for the Provisional Government of said States, enters into the following temporary convention and agreement with said States for the purpose of meeting pressing exigencies affecting the common rights, interests, and safety of said Commonwealth and said Confederacy:

First. Until the union of said Commonwealth with said Confederacy shall be perfected and said Commonwealth shall become a member of said Confederacy according to the constitutions of both powers, the whole military force and military operations, offensive and defensive, of said Commonwealth in the impending conflict with the United States shall be under the chief control and direction of the President of said Confederate States, upon the same principles, basis, and footing as if said Commonwealth were now and during the interval a member of said Confederacy.

Second. The Commonwealth of Virginia will, after the consummation of the union contemplated in this connection and her adoption of the Constitution for a permanent Government of said Confederate States and she shall become a member of said Confederacy under said permanent Constitution, if the same occur, turn over to said Confederate States all the public property, naval stores, and munitions of war, &c., she may then be in possession of, acquired from the United States, on the same terms and in like manner as the other States of said Confederacy have done in like cases.

Third. Whatever expenditures of money, if any, said Commonwealth of Virginia shall make before the union under the Provisional Government as above contemplated shall be consummated, shall be met and provided for by said Confederate States.

This convention, entered into and agreed to in the city of Richmond, Va., on the 24th day of April, 1861, by Alexander H. Stephens, the duly authorized commissioner to act in the matter for the said Confederate States, and John Tyler, William Ballard Preston, Samuel McD. Moore, James P. Holcombe, James C. Bruce, and Lewis E. Harvie, parties duly authorized to act in like manner for said Commonwealth of Virginia—the whole subject to the approval and ratification of the proper authorities of both governments, respectively.

In testimony whereof the parties aforesaid have hereunto set their hands and seals the day and year aforesaid and at the place aforesaid in duplicate originals.

ALEXANDER H. STEPHENS,
Commissioner for Confederate States.
JOHN TYLER.
WM. BALLARD PRESTON.
S. McD. MOORE.
JAMES P. HOLCOMBE.
JAMES C. BRUCE.
LEWIS E. HARVIE.

[Inclosure No. 5.]

Be it ordained by this convention, That the convention entered into on the 24th of April, 1861, between Alexander H. Stephens, commissioner of the Confederate States, and John Tyler, William Ballard Preston, S. McD. Moore, James P. Holcombe, James C. Bruce, and Lewis E. Harvie, commissioners of Virginia, for a temporary union of Virginia with said Confederate States, under the Provisional Government adopted by said Confederate States, be, and the same is hereby, ratified and confirmed on the terms agreed upon by said commissioners.

Adopted by the convention of Virginia April 25, 1861.

JOHN JANNEY,
President.
JNO. L. EUBANK,
Secretary.

[APRIL 25–JULY 17, 1861.—For correspondence between the Secretary of War and the Governor of Louisiana, with reference to forwarding troops to Richmond, see Series I, Vol. LI, Part II, pp. 33, 128, 153, 174.]

[APRIL 26, 1861.—For Walker to Moore, making requisition for one regiment from Alabama, for service at Pensacola, Fla., see Series I, Vol. LII, Part II, p. 71.]

A PROCLAMATION BY JOSEPH E. BROWN, GOVERNOR OF GEORGIA.

Whereas, by the oppressive and wicked conduct of the Government and people of that part of the late United States of America known as the anti-slavery States, war actually exists between them and the people of the Southern States; and

Whereas, the President of the United States has issued his proclamation declaring his determination to blockade the ports of the Southern States and is now collecting Federal troops upon Southern soil for the purpose of subjugating and enslaving us; and

Whereas, property belonging to citizens of the State of Georgia, whenever found within the anti-slavery States, is seized and forcibly taken from its owners; and

Whereas, all contracts made with the enemy during the existence of hostilities are, by the law of nations, illegal and void, and all remedies for the enforcement of contracts in our courts between citizens of this State and citizens of the States now making war upon us, which were made prior to the commencement of hostilities, are suspended till the termination of the war; and

Whereas, in the language of the law of nations, "the purchase of bills on the enemy's country, or the remission and deposit of funds there, is a dangerous and illegal act, because it may be cherishing the resources and relieving the wants of the enemy; and the remission of funds in money or bills to subjects of the enemy is unlawful;" and

Whereas, sound policy, as well as international law, absolutely forbids that any citizen of this State shall, under any pretext whatever, assist the enemy by remitting, paying, or furnishing any money or other thing of value, during the continuance of hostilities, to the Government or people of the States which have waged and are maintaining a most unnatural and wicked war against us; and

Whereas, justice requires that all sums due from citizens of this State to individuals in such hostile States who do not uphold and sustain the savage and cruel warfare inaugurated by their Government should be promptly paid so soon as hostilities have ceased and the independence of the Confederate States is recognized by the Government of the United States:

Therefore, in view of these considerations, I, Joseph E. Brown, Governor and commander-in-chief of the army and navy of the State of Georgia, do issue this my proclamation, commanding and enjoining upon each citizen or inhabitant of this State that he abstain absolutely from all violations of the law above recited, and that he do not, under any pretext whatever, remit, transfer, or pay to the Government of the United States, or any one of the States composing said Government which is known as a free-soil State, including among others the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Ohio, or to any citizen or inhabitant of any such State, any money, bills, drafts, or other things of value, either in payment of any debt due or hereafter to become due, of, for, or on account of any other cause whatever, until the termination of hostilities.

And I hereby invite each citizen or inhabitant of this State who is indebted to said Government, or either of said States, or any citizen or inhabitant thereof, to pay the amount of such indebtedness, whenever due, into the treasury of Georgia, in any funds bankable in Augusta or Savannah, or to deposit the same, subject to the order of the treasurer of this State, in any one of the solvent banks of either of said cities, or in any legally authorized agency of either of said banks; and upon the making of any such deposit at the treasury, or upon presentation of any such certificate of deposit, the treasurer of this State is hereby directed and required to deliver to such person a certificate specifying the sum so deposited; which I hereby declare the faith and credit of this State will be pledged to repay to such depositor, in funds bankable in Augusta and Savannah, with 7 per cent. interest from the date of the deposit, so soon as hostilities shall have ceased and it shall again be lawful for debtors to pay the same to creditors in the hostile States above mentioned. This will not only afford to such of our citizens as owe money to Northern creditors, which international law and public policy forbid them at present to pay, a safe investment and the highest security for its return to them at the end of the war, but it will enable them, in the meantime, to perform a patriotic duty, and to assist the State, and through her the Confederate States, in raising the funds necessary to the successful defense of our homes, our firesides, and our altars.

And I do further command and strictly enjoin upon all and every chartered bank in this State, which may be in possession of any note, bill, draft, or other paper binding any citizen of this State to pay money to any one of said hostile States, or any inhabitant or corporation thereof, or belonging to any such State or person, to abstain from protesting any such draft, bill, note, or other paper: *Provided*, The person liable on such bill, draft, note, or other paper will exhibit to such bank, or any of its agencies having such paper in possession, a certificate showing that he has deposited the amount due on such paper in the treasury of this State, or in any one of the banks above mentioned to the credit of the treasury, or will at the time such paper becomes due make such deposit. And I further command and require all notaries public in this State to abstain absolutely from the performance of any official act for the protest of any paper of the character above mentioned under such circumstances as are hereinbefore specified.

Given under my hand and the great seal of this State at the capitol, in Milledgeville, this 26th day of April, in the year of our Lord 1861, and of the Independence of the Confederate States of America the first.

JOSEPH E. BROWN.

By the Governor:

E. P. WATKINS,
Secretary of State.

[APRIL 26, 1861.—For Walker to Jackson, calling for one regiment from Missouri, see Series I, Vol. I, p. 689.]

[APRIL 26, 1861.—For Walker to Letcher, in relation to the organization, distribution, &c., of the military force of Virginia, see Series I, Vol. II, p. 783.]

WAR DEPARTMENT,
April 27, 1861.

The PRESIDENT:

SIR: In compliance with your direction I have the honor to submit to you the following report: The Department of War was created by an act approved on the 21st of February last. The condition of the country demanded that not only an organization of the Department proper should be made as speedily as possible, but that preparation should be made at the same time, in view of the contingency of immediate hostilities, for organizing the forces provided by law and of so disposing them that they might act with promptness and efficiency at whatever points the exigencies of the Confederacy might require. This has been necessarily a task of great labor, and, within the period allowed me, one of almost insuperable difficulties.

In the report of the Adjutant and Inspector General (April 25), which accompanies this, marked A, will be found full information concerning the forces, regular, volunteer, and provisional, raised and called for under the authorities of the several acts of Congress, together with details relating to their organization and distribution. I refer you especially to that report, and commend to your consideration and approval the suggestions made to render the service more efficient by increasing both the number of regiments in the Regular Army and the number of officers in the different staff corps now authorized by law. It will be seen that, in addition to the regular troops and the provisional forces of South Carolina, 60,000 volunteers have been conditionally called for under your requisitions of March and April; and that because of new emergencies arising since the 16th of April, an additional force of 15,000 has been asked for. Under these calls 20,000 men have been placed under the control of the Confederate Government, and are now in position on our sea-board, while 16,000 and more have been accepted and are being forwarded to their destination. It is more than probable that existing circumstances will require that all of these conditional demands of the Government upon the States shall be made absolute, and our immense frontier lines, north, south, and west, either now existing or soon to be acquired, without regard to other considerations scarcely less exacting, demand the increase asked for in the Regular Army.

The Quartermaster-General's Department has been placed in charge of Lieut. Col. A. C. Myers, as Acting Quartermaster-General, and that officer has prepared under my instructions the estimates pertaining to his department, including the pay of officers and soldiers for a force in the field of 100,000 men for nine months and twenty-five days, to complete the fiscal year terminating the 18th day of February, 1862. The estimates of appropriations for the Commissary-General's Department, under charge of Lieut. Col. L. B. Northrop, for the subsistence of the same forces, are made for the same period. These estimates call for large appropriations, but I am convinced that they cannot be reduced with any proper regard for efficient operations. The reports of the Quartermaster-General and the Commissary-General, respectively, marked B and C,* will furnish the details on which these estimates are based. No reports having been yet received from the disbursing officers in the Quartermaster's Department, it is impossible to give any statement of the expenditures under the several appropriations made by Congress for that branch of the public service.

*None of the inclosures to this report are found, except the report of the Adjutant and Inspector General and the estimate of the Acting Quartermaster-General, marked, respectively, A and B.

The medical department of the Regular Army has not yet been organized, chiefly from the fact that up to this time only a small proportion of its officers have been appointed for the service of the provisional and volunteer forces now in the field. The discretion allowed me by Congress of making temporary acting appointments of assistant surgeons has been exercised. I would respectfully suggest that the interests of the service require the increase of the medical staff of the Army suggested in the report of the Adjutant and Inspector General. The Bureau of Ordnance, attached to the Corps of Artillery, has been placed under the direction of Maj. J. Gorgas, as acting chief. The estimates for this branch of the service for the remainder of the fiscal year are embodied in his report, marked D,* and herewith submitted.

The report of the Engineer Bureau, marked E,* also under charge of Maj. J. Gorgas, furnishes the estimates which will be required for the service of that department. A statement, marked F,* of the several appropriations made by Congress for the support of the Regular Army, and the purchase of ordnance and ordnance stores for the support of the volunteer forces called into service under the act "to provide for the public defense, for the support of 5,000 men for twelve months at Charleston, and for the support of the War Department proper," together with the expenditures, is herewith transmitted.

The Bureau of Indian Affairs, attached to the War Department, has been organized and placed under the direction of the Hon. David Hubbard, as Commissioner. So far this Bureau has found but little to do. The necessity for the extension of the military arm of the Government toward the frontier, and the attitude of Arkansas, without the Confederacy, have contributed to circumscribe its action. But this branch of the public service doubtless will now grow in importance in consequence of the early probable accession of Arkansas to the Confederacy; of the friendly sentiments of the Creeks, Cherokees, Choctaws, and Chickasaws, and other tribes west of Arkansas toward this Government; of our difficulties with the tribes on the Texas frontier; of our hostilities with the United States, and of our probable future relations with the Territories of Arizona and New Mexico.

The estimates presented have been made for the continuous support of a force in the field of 100,000 men during the current year, this number being the smallest that prudence would dictate to be maintained in view of actual hostilities. The accession of Virginia to the Confederate States, the present earnest co-operation of the remaining border slave-holding States with our cause and their probable early adhesion to our Government, together with the power and resources the common enemy are bringing to bear against the whole, render this amount of force, in my judgment, imperative. Preparation on a smaller scale would but contribute to protract the war. Vigorous measures alone will deter the foe and assure the defense of the country.

In place of the present organization of the clerical force of this Department I would respectfully suggest that in the appropriations for that purpose made by Congress the sum of $25,000 be placed at the disposal of the Secretary of War, to be applied by him for salaries in such manner as to secure the best services; to this might be added a proviso that any additional clerks employed under exigencies of public service shall not receive a greater annual compensation than $1,000 each. This change, without materially increasing the expenses

*None of the inclosures to this report are found, except the report of the Adjutant and Inspector General and the estimate of the Acting Quartermaster-General, marked, respectively, A and B.

of the Department, will greatly promote its efficiency by enabling the Secretary to graduate the salaries according to merit. Under the resolutions of Congress approved March 15, recommending to the several States "to cede to the Confederate States the forts, arsenals, navy-yards, dock-yards, and other public establishments within their respective limits," such cessions have already been made and the establishments specified have been formally transferred to this Government by each of the States.

Some difficulty has grown out of the construction and practical application of the laws under which the forces shown by the report of the Adjutant-General were brought into service. By the act "to raise provisional forces" the President was authorized to receive into the Confederate service such troops as were in the service of the several States "at the date of the passage of the act," and these troops were to be supported out of the appropriation for the maintenance of the Regular Army. As there were but few troops in the several States regularly organized at the date of the passage of the act, a rigid construction of its terms would have defeated its spirit and object. After due reflection I determined to receive those "companies, battalions, and regiments" whose organizations were inchoate at the date of the act. This resort to the spirit of the act rather than to its strict letter did not, however, suffice to enable this Department to meet the exigencies for troops. It became necessary to recur to the act "to provide for the public defense," and to exercise the discretionary power lodged in the President by that act for the raising of volunteer forces to be supported out of another appropriation than that for the Regular Army. Thus, two classes of troops, differently enlisted, organized, and supported, came to be merged into the public service.

The Attorney-General advised that a "calculation as nearly exact as possible" be made of the relative proportions of these two classes of troops composing the Provisional Army, in order to apportion the cost of each kind between the appropriations in the acts cited. I have concluded that the number of those entitled strictly to be classified under the first act is too inconsiderable to justify the Department at this important juncture in consuming time to arrive at what after all would be but a bare approximation. The irregularity is purely technical; cannot work pecuniary loss to the Government; was the result of necessity, and can be readily cured by legislation.

An arrangement should be devised to obviate the difficulty and embarrassment which will result to the service in respect to the relative rank of general officers. The highest rank authorized by law in the Army of the Confederate States and in the Provisional Army is that of brigadier-general, while in the army of the several States the highest military rank is major-general. The result of this state of facts will be, that whenever a combination of State and Federal troops occurs in sufficient numbers to justify the employment of general officers, the major-general of State troops must take command of the whole and give the orders needful to the service to the prejudice of the brigadier-general of regular or provisional forces, notwithstanding the latter may have been selected for his peculiar fitness for the command, and been appointed by the President, by and with the advice and consent of Congress, as required by law. To obviate this difficulty and embarrassment it is suggested that the grade of brigadier-general in the Confederate as well as in the Provisional Army be converted into that of general, in which case they will have precedence of all other general officers.

In addition to the suggestions made in the report of the Adjutant-General concerning the organization of the staff corps, to which I have already called attention, I would respectfully recommend a division of the duties of the Quartermaster's Department, and a recurrence to the system of the United States, with which our officers are familiarized, by the establishment of a regular pay department, with its own force. Either this change or a considerable increase in the quartermaster's staff is indispensable. While the difference in expense to the Government would be inconsiderable, in my opinion greater efficiency in the service would be promoted through an independent pay department.

I would fail in my duty if I did not earnestly recommend that an appropriation be made for the establishment of powder mills and for the purchase of the materials of which gunpowder is composed. This has become the more necessary in consequence of the closing of the channels through which we have been heretofore supplied. This subject is of such obvious and paramount importance that I deem it sufficient merely to mention it.

The appropriation of $25,000 by the act of the Congress approved March 15, 1861, for incidental and contingent expenses of this Department, is, in the present condition of the country, wholly inadequate. One or two items, properly coming under the head of "incidental and contingent expenses," will absorb this appropriation, whilst there are other contingencies daily occurring connected with the military service for which provision should be made.

The operations for the general defense have been carried on chiefly along the extended line of our coast. The principal points at which these operations have been important are the harbor of Charleston, the harbor of Pensacola, the defenses at and near the mouths of the Mississippi River, including an examination of the Atchafalaya, the harbor of Mobile, the defenses of the Savannah River, the Upper Mississippi River, in connection with the defenses at Memphis, Helena, and other points in friendly slave-holding States not yet members of this Confederacy, at Apalachicola, together with an examination into the military necessities of Galveston and the coast of Texas.

The command of the harbor at Charleston was devolved some weeks ago upon Brig. Gen. G. T. Beauregard, of the Provisional Army of the Confederate States. The extensive military preparations there commenced and very greatly advanced under the authority of the State of South Carolina were completed under the direction of this experienced officer. They were crowned on the 14th day of the present month with success in the surrender of Fort Sumter, after a bombardment of thirty-four hours, which, in all its circumstances, was most gratifying to the country, and reflected the highest credit on our arms. I beg especially to commend the gallantry, discretion, and judgment displayed by General Beauregard in a position of great delicacy and responsibility, and to express the appreciation entertained by this Department of the excellent conduct of the officers and men of his command.

In this connection it is proper to mention that the State of South Carolina insisted on defraying all the expenses of the operations in the harbor of Charleston. This noble conduct shows her to be worthy of her ancient renown and commands our highest admiration. The expenses she has thus defrayed in the defense of her principal harbor and in the reduction of her principal fortress, having been incurred for the common defense, constitute justly a debt against the

Confederate Government, which may now be refunded without offending her pride. The correspondence herewith submitted, marked G,* discloses the bad faith of the Government at Washington and reveals the circumstances under which the instant reduction of Fort Sumter was rendered imperative. Next in importance to Fort Sumter the attention of the Government has been claimed by Fort Pickens. The command of the harbor of Pensacola was assigned at an early day to Brig. Gen. Braxton Bragg, who is still in charge of the operations against Fort Pickens. That skillful officer has been strengthening his works and augmenting his ability for the reduction of this formidable stronghold, which was powerfully re-enforced by the Government at Washington in violation of the agreement between its authorities and those of the government of Florida, and renewed between General Bragg, in behalf of the Confederate States, and the U. S. officer in command at the post, as well as the officer in command of the U. S. fleet, as will appear from the correspondence hereto appended, marked H.†

The defenses of the mouths of the Mississippi have received that attention their importance demanded. The armaments of Forts Jackson and Saint Philip have been strengthened, and they have also been garrisoned by a force which is believed to be sufficient for the protection of the city of New Orleans. Fort Morgan, in Mobile Harbor, has been placed in an efficient condition. It is fully manned and possesses an ample armament. The command of Colonel Hardee, in charge of the fort, has been extended to Grant's Pass, and the supervision of all other approaches to the harbor of Mobile. The cutter Morgan, belonging to the Government, has been placed at his disposal, and he has been instructed to erect batteries at such points as he may deem necessary for perfect defense and security. Fort Pulaski, at the mouth of the Savannah River, has been quite recently transferred to this Government by the State of Georgia, but it now has an effective armament and is fully garrisoned, and is in command of Brig. Gen. A. R. Lawton, of the provisional forces. Certain points on the Mississippi River in the States of Tennessee and Arkansas, although without the limits of the Confederacy, have assumed no little importance in connection with current events. Among these are Memphis and Helena, at each of which it is believed that batteries can be erected that would effectually command the river. These places being within the territory of States entirely friendly to this Government, the Department had no hesitation in detailing an officer to make examinations, with the view of erecting such works as might be judged expedient to prevent a descent of the Mississippi by an invading force from the North. Texas has exercised the solicitude of this Department to no inconsiderable extent. Constant importunities have been received from the Governor and other prominent citizens of that State, urging upon this Government the care of the line of the Rio Grande, the coast line embracing the harbor of Galveston and her immense extent of Indian frontier. With a sincere wish to afford the desired protection, Lieutenant Sayre, of the Confederate Navy, was dispatched to Texas in March last to muster into service a regiment of mounted riflemen, under command of Col. Henry E. McCulloch, and since then an additional regiment of cavalry has been authorized. Both of these regiments will be assigned to duty along the Indian frontier. A regiment of infantry will occupy

*Not found, but probably embraced in the "Correspondence, &c.," Series I, Vol. I, pp. 252–317.

†Not found, but see "Operations in Florida," Series I, Vol. I, pp. 331–473.

the line of the Rio Grande. While these movements are progressing other measures of protection against hostile demonstrations are being forwarded, among which the harbor of Galveston has claimed attention. I have found it necessary to appoint agents to take charge of such stores, munitions, and other property taken from the U. S. authorities recently in Texas by the State itself as she might think proper to transfer to this Government.

The importance of the question of the defenses of Texas is greatly enhanced by their connection with the future probable annexation of New Mexico and Arizona to this Confederacy. Recent events render it manifest that the most friendly disposition in those Territories exists toward this Government. A vigorous protection of the frontier of Texas bordering upon them must contribute to strengthen their confidence in our ability to maintain our own independence and to secure the permanent safety of all who shall adopt our flag.

I cannot more appropriately conclude this report than by urging upon Congress the passage of a law empowering this Department to appoint chaplains for the service. Military experience demonstrates the importance of religious habitudes to the morality, good order, and general discipline of an army in the camp or in the field. If we expect God to bless us in our struggle in defense of our rights—to terminate, in all probability, only after a protracted and bloody war—we must recognize Him in our actions.

All which is respectfully submitted.

L. P. WALKER,
Secretary of War.

A.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Montgomery, April 25, 1861.

Hon. L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: In compliance with your instructions I have the honor to submit the following report: The organization of the Army has progressed as far as the number of officers appointed would justify. The several staff departments have been arranged to some extent, but there are still in those several vacancies yet to be filled. Nearly one-third of the officers of artillery have been appointed out of 172 authorized by law. The officers for two of the six regiments of infantry authorized have been appointed and organized into two regiments, but as yet only eight officers have been appointed for the single regiment of cavalry. The recruiting service has been commenced in various sections of the country, and speedy and favorable results are anticipated; but the want of a regularly organized force for the permanent army has not been so much felt on account of the ready response to the call made on the several States for volunteers. On the 9th of March a requisition was made on the States of Georgia, Florida, Alabama, Mississippi, and Louisiana for 8,000 volunteers. South Carolina, at that time having upward of 5,000 of her own troops in the State service in Charleston Harbor, was not called upon for her quota.

This requisition was soon filled and the troops put in position. Again, on the 8th of April a requisition was made for 20,000 volunteers from the several States, to be held in readiness for service. This requisition has also been filled promptly. And, finally, a further requisition, on the 16th of the same month, for 34,000 volunteers,

making in all upward of 62,000 troops, independently of the 5,000 South Carolina State troops in the harbor of Charleston, above referred to. Of this whole number more than 25,000, including those in Charleston Harbor, are in position on our southern sea-board and the frontier of Texas, leaving the remainder for operations elsewhere. Since the 16th of April further calls have been made for 15,000 additional volunteers, and they are now being sent forward to their destination. As a copy of the correspondence of the commanding general in Charleston accompanies this report, I would respectfully refer you to it for a detail of the military operations in the harbor.*

The several permanent fortifications which guard the approaches to the harbors on the southern coast are in a state of defense, and are occupied by garrisons for a state of war, the largest portion of this force being distributed at several points in the harbor of Pensacola, including the permanent works of Fort McRee and Barrancas. This force consists of over 8,000 men. I would respectfully invite your attention to the following remarks in respect to the present organization of the Army. Under existing laws the military establishment consists of the following staff departments, corps, and regiments, viz:

Adjutant-General's Department.—Two lieutenant-colonels, two majors, and four captains.

Quartermaster-General's Department.—One colonel, one lieutenant-colonel, and four majors.

Commissary-General's Department.—One colonel, one lieutenant-colonel, one major, and three captains.

Medical Department.—One surgeon-general, four surgeons, and six assistant surgeons.

Corps of Engineers.—One colonel, four majors, and five captains.

Corps Artillery and Ordnance.—One colonel, one lieutenant-colonel, ten majors, forty captains, eighty first lieutenants, forty second lieutenants for forty companies, one regiment of cavalry, and six regiments of infantry.

This force can scarcely be deemed sufficient for a state of war, in which we are about to engage, and for the protection of our Indian and other frontiers, when it is recollected that the permanent peace establishment of the United States is not less than 18,000 troops, composed of not less than nineteen regiments, with a complete staff on a war footing. I would therefore suggest, as an approximation to a proper organization at this time, that the present authorized force of the Regular Army of the Confederate States be increased by one regiment of cavalry and two regiments of infantry as at present organized, and that there be added to the Adjutant-General's Department two captains, to the Quartermaster's Department two majors and six captains, to the Commissary-General's Department three captains, to the Medical Department six surgeons and fourteen assistant surgeons (the Medical Department of the U. S. Army consists of thirty surgeons and eighty-four assistant surgeons), to the Corps of Engineers five captains, to the Corps of Artillery one lieutenant-colonel, two majors, and as many military store-keepers, with the pay and allowance of captain of infantry, as the service may require, not to exceed six, and an ordnance-sergeant for each military post.

I have the honor to be, very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

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* See Series I, Vol. I.

B.

APRIL 27, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I have the honor to submit a statement of the amount that will be required for disbursement by the Quartermaster's and Pay Departments for the support of the Regular Army of the Confederate States of America, and for the pay, subsistence, and transportation of volunteer forces, &c., now in service; also for the 100 regiments estimated for a few days since, viz: For the Regular Army and volunteer forces now in service to July 1, 1861, $920,000; for 100 regiments per estimate to same date, $5,567,729; total, $6,487,729. For the Regular Army and volunteer forces now in service to October, 1861, $2,700,614; for 100 regiments per estimate to same date, $8,361,593.50; total, $11,062,207.50. Total [to October], $17,549,936.50. For the Regular Army and volunteer forces now in service to January, 1862, $2,810,614; for 100 regiments per estimate to same date, $8,361,593.50; total, $11,172,207.50. Total to January 1, 1862, $28,722,144.

I have the honor to be, sir, &c.,

A. C. MYERS,
Acting Quartermaster-General.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., April 27, 1861.

Hon. L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: While I assure you I entertain no feelings of jealousy on account of your exercising the right to appoint surgeons and assistant surgeons for the troops raised in Georgia and furnished to the Confederate States, yet, as conflicting information on the subject has reached me (having but a few days since been furnished by Doctor Blackburn, of Barnesville, Ga., with what purported to be an extract from a letter from you, stating that "all surgeons are now appointed by the Governors of the States where volunteer regiments are raised and tendered to the Government, and that when thus appointed they rank as assistant surgeons in the Regular Army," and then only yesterday having received your telegram in which you say in reference to such surgeons, "I appoint them"), I venture to trouble you with this note, and beg you to inform me definitely on the subject. Permit me also to inquire if you have appointed the surgeons to the volunteer troops which have been furnished by other States to the Confederate States, and as I have not before me all the acts passed by the Provisional Congress, be pleased to cite me to, and if convenient furnish me with, the act or other authority under which the appointing power above alluded to is claimed to be exercised by the Secretary of War of the Confederate States.

Believe me, very truly, your obedient servant,

JOSEPH E. BROWN.

MILLEDGEVILLE, *April 27, 1861.*

Hon. L. P. WALKER:

Please say definitely whether you will receive volunteers into service by divisions and brigades, as I have a division of two brigades of fine soldiers nearly ready.

JOSEPH E. BROWN.

RICHMOND, *April 27, 1861.*

Hon. JEFFERSON DAVIS,
President of the Confederate States of America:

I am instructed by the convention of Virginia to communicate to you the following resolution adopted this day:

Resolved by this convention, That the President of the Confederate States of America and the constituted authorities of the Confederacy be, and they are hereby, cordially and respectfully invited, whenever in their opinion the public interest or convenience may require it, to make the city of Richmond or some other place in this State the seat of the Government of the Confederacy.

Very respectfully, your obedient servant,

JOHN JANNEY,
President.

BATON ROUGE, LA., *April 28, 1861.*

His Excellency JEFFERSON DAVIS,
President of the Southern Confederacy:

SIR: Taking in view the present crisis which overhangs our country, and knowing that in a few weeks the Southern Confederacy will be invaded by a Northern army, I would beg most respectfully, Mr. President, to call your attention to the facts that there are at this present moment some 3,000 or 4,000 men confined in the different penitentiaries of the seceded States who would be perfectly willing to take up arms for the cause of the beloved South. Mr. President, there are many in here that have served in the Florida war, and also served with distinction in the battles of Cerro Gordo, Chapultepec, and Monterey. I am a true Southerner by birth and can assure you, Mr. President, that the same military spirit that pervades my countrymen outside exists also amongst us within these prison walls. Mr. President, there are enough of brave men within the prison walls of the South to form several full regiments, and I am fully confident that not an officer in the Confederate States that would object to command them. During the Crimean war a similar plan was submitted to the British Admiralty, emanating from prisoners, who at once laid the matter before some of the most experienced officers in England. It immediately met their approbation, and, in fact, they offered to command them, but the fall of Sebastopol and with it peace being consummated put an end to the scheme. It is true, Mr. President, we have committed overt acts, but I am convinced that if you, together with the several Governors of the seceded States, will but give us a chance in this coming campaign, I am confident that we will prove to the South by many a well-contested battle that we were worthy of the generosity of those who raised us from a degrading position to fight the battles for the land we love and revere. There is, Mr. President, I doubt scarcely a single man within these walls that would not rather be fighting for the glorious South than be lingering out a miserable existence within this living tomb. I thus have taken the liberty to address you, Mr. President, on the subject, feeling confident that if the idea meets your approbation it will be readily complied with by the respective Governors of the seceded States at your solicitation and suggestion.

I am, sir, with great respect, your obedient servant,

WM. R. STRIPLIN.

MONTGOMERY, *April 29, 1861.*

GENTLEMEN OF THE CONGRESS:

It is my pleasing duty to announce to you that the Constitution framed for the establishment of a permanent Government for the Confederate States has been ratified by conventions in each of those States to which it was referred. To inaugurate the Government in its full proportions and upon its own substantial basis of the popular will, it only remains that elections should be held for the designation of the officers to administer it. There is every reason to believe that at no distant day other States, identified in political principles and community of interests with those which you represent, will join this Confederacy, giving to its typical constellation increased splendor, to its Government of free, equal, and sovereign States a wider sphere of usefulness, and to the friends of constitutional liberty a greater security for its harmonious and perpetual existence. It was not, however, for the purpose of making this announcement that I have deemed it my duty to convoke you at an earlier day than that fixed by yourselves for your meeting. The declaration of war made against this Confederacy by Abraham Lincoln, the President of the United States, in his proclamation issued on the 15th day of the present month,* rendered it necessary, in my judgment, that you should convene at the earliest practicable moment to devise the measures necessary for the defense of the country. The occasion is indeed an extraordinary one. It justifies me in a brief review of the relations heretofore existing between us and the States which now unite in warfare against us and in a succinct statement of the events which have resulted in this warfare, to the end that mankind may pass intelligent and impartial judgment on its motives and objects. During the war waged against Great Britain by her colonies on this continent a common danger impelled them to a close alliance and to the formation of a Confederation, by the terms of which the colonies, styling themselves States, entered "*severally* into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever." In order to guard against any misconstruction of their compact the several States made explicit declaration in a distinct article—that "*each* State *retains its* sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation *expressly delegated* to the United States in Congress assembled."

Under this contract of alliance, the war of the Revolution was successfully waged, and resulted in the treaty of peace with Great Britain in 1783, by the terms of which the several States were *each by name* recognized to be independent. The Articles of Confederation contained a clause whereby all alterations were prohibited unless confirmed by the Legislatures of *every State* after being agreed to by the Congress; and in obedience to this provision, under the resolution of Congress of the 21st of February, 1787, the several States appointed delegates who attended a convention "for the *sole and express purpose* of revising the Articles of Confederation and reporting to Congress and the several Legislatures such alterations and provisions therein as shall, when agreed to in Congress *and confirmed by the*

* See Series III, Vol. I, p. 67.

States, render the Federal Constitution adequate to the exigencies of Government and the preservation of the Union." It was by the delegates chosen by the *several States* under the resolution just quoted that the Constitution of the United States was framed in 1787 and submitted to the *several States* for ratification, as shown by the seventh article, which is in these words: "The ratification of the *conventions of nine States* shall be sufficient for the establishment of this Constitution *between the States* so ratifying the same." I have italicized certain words in the quotations just made for the purpose of attracting attention to the singular and marked caution with which the States endeavored in every possible form to exclude the idea that the separate and independent sovereignty of each State was merged into one common government and nation, and the earnest desire they evinced to impress on the Constitution its true character—that of a *compact between* independent States. The Constitution of 1787, having, however, omitted the clause already recited from the Articles of Confederation, which provided in explicit terms that each State *retained* its sovereignty and independence, some alarm was felt in the States, when invited to ratify the Constitution, lest this omission should be construed into an abandonment of their cherished principle, and they refused to be satisfied until amendments were added to the Constitution placing beyond any pretense of doubt the reservation by the States of all their sovereign rights and powers not expressly delegated to the United States by the Constitution.

Strange, indeed, must it appear to the impartial observer, but it is none the less true that all these carefully worded clauses proved unavailing to prevent the rise and growth in the Northern States of a political school which has persistently claimed that the government thus formed was not a compact *between* States, but was in effect a national government, set up *above* and *over* the States. An organization created by the States to secure the blessings of liberty and independence against *foreign* aggression, has been gradually perverted into a machine for their control in their *domestic* affairs. The *creature* has been exalted above its *creators;* the *principals* have been made subordinate to the *agent* appointed by themselves. The people of the Southern States, whose almost exclusive occupation was agriculture, early perceived a tendency in the Northern States to render the common government subservient to their own purposes by imposing burdens on commerce as a protection to their manufacturing and shipping interests. Long and angry controversies grew out of these attempts, often successful, to benefit one section of the country at the expense of the other. And the danger of disruption arising from this cause was enhanced by the fact that the Northern population was increasing, by immigration and other causes, in a greater ratio than the population of the South. By degrees, as the Northern States gained preponderance in the National Congress, self-interest taught their people to yield ready assent to any plausible advocacy of their right as a majority to govern the minority without control. They learned to listen with impatience to the suggestion of any constitutional impediment to the exercise of their will, and so utterly have the principles of the Constitution been corrupted in the Northern mind that, in the inaugural address delivered by President Lincoln in March last, he asserts as an axiom, which he plainly deems to be undeniable, that the theory of the Constitution requires that in all cases the majority shall govern; and in another memorable instance

the same Chief Magistrate did not hesitate to liken the relations between a State and the United States to those which exist between a county and the State in which it is situated and by which it was created. This is the lamentable and fundamental error on which rests the policy that has culminated in his declaration of war against these Confederate States. In addition to the long-continued and deep-seated resentment felt by the Southern States at the persistent abuse of the powers they had delegated to the Congress, for the purpose of enriching the manufacturing and shipping classes of the North at the expense of the South, there has existed for nearly half a century another subject of discord, involving interests of such transcendent magnitude as at all times to create the apprehension in the minds of many devoted lovers of the Union that its permanence was impossible. When the several States delegated certain powers to the United States Congress, a large portion of the laboring population consisted of African slaves imported into the colonies by the mother country. In twelve out of the thirteen States negro slavery existed, and the right of property in slaves was protected by law. This property was recognized in the Constitution, and provision was made against its loss by the escape of the slave. The increase in the number of slaves by further importation from Africa was also secured by a clause forbidding Congress to prohibit the slave-trade anterior to a certain date, and in no clause can there be found any delegation of power to the Congress authorizing it in any manner to legislate to the prejudice, detriment, or discouragement of the owners of that species of property, or excluding it from the protection of the Government.

The climate and soil of the Northern States soon proved unpropitious to the continuance of slave labor, whilst the converse was the case at the South. Under the unrestricted free intercourse between the two sections, the Northern States consulted their own interests by selling their slaves to the South and prohibiting slavery within their limits. The South were willing purchasers of a property suitable to their wants, and paid the price of the acquisition without harboring a suspicion that their quiet possession was to be disturbed by those who were inhibited not only by want of constitutional authority, but by good faith as vendors, from disquieting a title emanating from themselves. As soon, however, as the Northern States that prohibited African slavery within their limits had reached a number sufficient to give their representation a controlling voice in the Congress, a persistent and organized system of hostile measures against the rights of the owners of slaves in the Southern States was inaugurated and gradually extended. A continuous series of measures was devised and prosecuted for the purpose of rendering insecure the tenure of property in slaves. Fanatical organizations, supplied with money by voluntary subscriptions, were assiduously engaged in exciting amongst the slaves a spirit of discontent and revolt; means were furnished for their escape from their owners, and agents secretly employed to entice them to abscond; the constitutional provision for their rendition to their owners was first evaded, then openly denounced as a violation of conscientious obligation and religious duty; men were taught that it was a merit to elude, disobey, and violently oppose the execution of the laws enacted to secure the performance of the promise contained in the constitutional compact; owners of slaves were mobbed and even murdered in open day solely for applying to a magistrate for the arrest of a fugitive slave; the dogmas

of these voluntary organizations soon obtained control of the Legislatures of many of the Northern States, and laws were passed providing for the punishment, by ruinous fines and long-continued imprisonment in jails and penitentiaries, of citizens of the Southern States who should dare to ask aid of the officers of the law for the recovery of their property. Emboldened by success, the theater of agitation and aggression against the clearly expressed constitutional rights of the Southern States was transferred to the Congress; Senators and Representatives were sent to the common councils of the Nation, whose chief title to this distinction consisted in the display of a spirit of ultra fanaticism, and whose business was not "to promote the general welfare or insure domestic tranquillity," but to awaken the bitterest hatred against the citizens of sister States by violent denunciation of their institutions; the transaction of public affairs was impeded by repeated efforts to usurp powers not delegated by the Constitution, for the purpose of impairing the security of property in slaves, and reducing those States which held slaves to a condition of inferiority. Finally a great party was organized for the purpose of obtaining the administration of the Government, with the avowed object of using its power for the total exclusion of the slave States from all participation in the benefits of the public domain acquired by all the States in common, whether by conquest or purchase; of surrounding them entirely by States in which slavery should be prohibited; of thus rendering the property in slaves so insecure as to be comparatively worthless, and thereby annihilating in effect property worth thousands of millions of dollars. This party, thus organized, succeeded in the month of November last in the election of its candidate for the Presidency of the United States.

In the meantime, under the mild and genial climate of the Southern States and the increasing care and attention for the well-being and comfort of the laboring class, dictated alike by interest and humanity, the African slaves had augmented in number from about 600,000, at the date of the adoption of the constitutional compact, to upward of 4,000,000. In moral and social condition they had been elevated from brutal savages into docile, intelligent, and civilized agricultural laborers, and supplied not only with bodily comforts but with careful religious instruction. Under the supervision of a superior race their labor had been so directed as not only to allow a gradual and marked amelioration of their own condition, but to convert hundreds of thousands of square miles of the wilderness into cultivated lands covered with a prosperous people; towns and cities had sprung into existence, and had rapidly increased in wealth and population under the social system of the South; the white population of the Southern slave-holding States had augmented from about 1,250,000 at the date of the adoption of the Constitution to more than 8,500,000 in 1860; and the productions of the South in cotton, rice, sugar, and tobacco, for the full development and continuance of which the labor of African slaves was and is indispensable, had swollen to an amount which formed nearly three-fourths of the exports of the whole United States and had become absolutely necessary to the wants of civilized man. With interests of such overwhelming magnitude imperiled, the people of the Southern States were driven by the conduct of the North to the adoption of some course of action to avert the danger with which they were openly menaced. With this view the Legislatures of the several States invited the people to select delegates to conventions to be held for the purpose of determining for themselves

what measures were best adapted to meet so alarming a crisis in their history. Here it may be proper to observe that from a period as early as 1798 there had existed in *all* of the States of the Union a party almost uninterruptedly in the majority based upon the creed that each State was, in the last resort, the sole judge as well of its wrongs as of the mode and measure of redress. Indeed, it is obvious that under the law of nations this principle is an axiom as applied to the relations of independent sovereign States, such as those which had united themselves under the constitutional compact. The Democratic party of the United States repeated, in its successful canvass in 1856, the declaration made in numerous previous political contests, that it would "faithfully abide by and uphold the principles laid down in the Kentucky and Virginia resolutions of 1798, and in the report of Mr. Madison to the Virginia Legislature in 1799; and that it adopts those principles as constituting one of the main foundations of its political creed." The principles thus emphatically announced embrace that to which I have already adverted—the right of each State to judge of and redress the wrongs of which it complains. These principles were maintained by overwhelming majorities of the people of all the States of the Union at different elections, especially in the elections of Mr. Jefferson in 1805, Mr. Madison in 1809, and Mr. Pierce in 1852. In the exercise of a right so ancient, so well established, and so necessary for self-preservation, the people of the Confederate States, in their conventions, determined that the wrongs which they had suffered and the evils with which they were menaced required that they should revoke the delegation of powers to the Federal Government which they had ratified in their several conventions. They consequently passed ordinances resuming all their rights as sovereign and independent States and dissolved their connection with the other States of the Union.

Having done this, they proceeded to form a new compact amongst themselves by new articles of confederation, which have been also ratified by the conventions of the several States with an approach to unanimity far exceeding that of the conventions which adopted the Constitution of 1787. They have organized their new Government in all its departments; the functions of the executive, legislative, and judicial magistrates are performed in accordance with the will of the people, as displayed not merely in a cheerful acquiescence, but in the enthusiastic support of the Government thus established by themselves; and but for the interference of the Government of the United States in this legitimate exercise of the right of a people to self-government, peace, happiness, and prosperity would now smile on our land. That peace is ardently desired by this Government and people has been manifested in every possible form. Scarce had you assembled in February last when, prior even to the inauguration of the Chief Magistrate you had elected, you passed a resolution expressive of your desire for the appointment of commissioners to be sent to the Government of the United States "for the purpose of negotiating friendly relations between that Government and the Confederate States of America, and for the settlement of all questions of disagreement between the two Governments upon principles of right, justice, equity, and good faith." It was my pleasure as well as my duty to co-operate with you in this work of peace. Indeed, in my address to you on taking the oath of office, and before receiving from you the communication of this resolution, I had said "as a necessity, not a choice, we have resorted to the remedy of separation, and henceforth

our energies must be directed to the conduct of our own affairs and the perpetuity of the Confederacy which we have formed. If a just perception of mutual interests shall permit us peaceably to pursue our separate political career my most earnest desire will have been fulfilled." It was in furtherance of these accordant views of the Congress and the Executive that I made choice of three discreet, able, and distinguished citizens, who repaired to Washington. Aided by their cordial co-operation and that of the Secretary of State, every effort compatible with self-respect and the dignity of the Confederacy was exhausted before I allowed myself to yield to the conviction that the Government of the United States was determined to attempt the conquest of this people and that our cherished hopes of peace were unattainable.

On the arrival of our commissioners in Washington on the 5th of March they postponed, at the suggestion of a friendly intermediary, doing more than giving informal notice of their arrival. This was done with a view to afford time to the President, who had just been inaugurated, for the discharge of other pressing official duties in the organization of his Administration before engaging his attention in the object of their mission. It was not until the 12th of the month that they officially addressed the Secretary of State, informing him of the purpose of their arrival, and stating, in the language of their instructions, their wish "to make to the Government of the United States overtures for the opening of negotiations, assuring the Government of the United States that the President, Congress, and people of the Confederate States earnestly desire a peaceful solution of these great questions; that it is neither their interest nor their wish to make any demand which is not founded on strictest justice, nor do any act to injure their late confederates."

To this communication no formal reply was received until the 8th of April. During the interval the commissioners had consented to waive all questions of form. With the firm resolve to avoid war if possible, they went so far even as to hold during that long period unofficial intercourse through an intermediary, whose high position and character inspired the hope of success, and through whom constant assurances were received from the Government of the United States of peaceful intentions; of the determination to evacuate Fort Sumter; and further, that no measure changing the existing status prejudicially to the Confederate States, especially at Fort Pickens, was in contemplation, but that in the event of any change of intention on the subject, notice would be given to the commissioners. The crooked paths of diplomacy can scarcely furnish an example so wanting in courtesy, in candor, and directness as was the course of the United States Government toward our commissioners in Washington. For proof of this I refer to the annexed documents marked —,* taken in connection with further facts, which I now proceed to relate.

Early in April the attention of the whole country, as well as that of our commissioners, was attracted to extraordinary preparations for an extensive military and naval expedition in New York and other Northern ports. These preparations commenced in secrecy, for an expedition whose destination was concealed, only became known when nearly completed, and on the 5th, 6th, and 7th of April, transports and vessels of war with troops, munitions, and military supplies sailed from Northern ports bound southward. Alarmed by so extraordinary

*Not found herewith, but see Davis to the Congress, May 8, 1861, Series I, Vol. LIII, pp. 161–164.

a demonstration, the commissioners requested the delivery of an answer to their official communication of the 12th of March, and thereupon received on the 8th of April a reply, dated on the 15th of the previous month, from which it appears that during the whole interval, whilst the commissioners were receiving assurances calculated to inspire hope of the success of their mission, the Secretary of State and the President of the United States had already determined to hold no intercourse with them whatever; to refuse even to listen to any proposals they had to make, and had profited by the delay created by their own assurances in order to prepare secretly the means for effective hostile operations. That these assurances were given has been virtually confessed by the Government of the United States by its sending a messenger to Charleston to give notice of its purpose to use force if opposed in its intention of supplying Fort Sumter. No more striking proof of the absence of good faith in the conduct of the Government of the United States toward this Confederacy can be required than is contained in the circumstances which accompanied this notice. According to the usual course of navigation the vessels composing the expedition designed for the relief of Fort Sumter might be expected to reach Charleston Harbor on the 9th of April. Yet, with our commissioners actually in Washington, detained under assurances that notice should be given of any military movement, the notice was not addressed to *them*, but a messenger was sent to Charleston to give the notice to the Governor of South Carolina, and the notice was so given at a late hour on the 8th of April, the eve of the very day on which the fleet might be expected to arrive.

That this maneuver failed in its purpose was not the fault of those who contrived it. A heavy tempest delayed the arrival of the expedition and gave time to the commander of our forces at Charleston to ask and receive the instructions of this Government. Even then, under all the provocation incident to the contemptuous refusal to listen to our commissioners, and the tortuous course of the Government of the United States, I was sincerely anxious to avoid the effusion of blood, and directed a proposal to be made to the commander of Fort Sumter, who had avowed himself to be nearly out of provisions, that we would abstain from directing our fire on Fort Sumter if he would promise not to open fire on our forces unless first attacked. This proposal was refused and the conclusion was reached that the design of the United States was to place the besieging force at Charleston between the simultaneous fire of the fleet and the fort. There remained, therefore, no alternative but to direct that the fort should at once be reduced. This order was executed by General Beauregard with the skill and success, which were naturally to be expected from the well-known character of that gallant officer; and although the bombardment lasted but thirty-three hours our flag did not wave over its battered walls until after the appearance of the hostile fleet off Charleston. Fortunately, not a life was lost on our side and we were gratified in being spared the necessity of a useless effusion of blood, by the prudent caution of the officers who commanded the fleet in abstaining from the evidently futile effort to enter the harbor for the relief of Major Anderson.

I refer to the report of the Secretary of War, and the papers which accompany it, for further details of this brilliant affair.* In this connection I cannot refrain from a well-deserved tribute to the noble

*See p. 247.

State, the eminent soldierly qualities of whose people were so conspicuously displayed in the port of Charleston. For months they had been irritated by the spectacle of a fortress held within their principal harbor as a standing menace against their peace and independence. Built in part with their own money, its custody confided with their own consent to an agent who held no power over them other than such as they had themselves delegated for their own benefit, intended to be used by that agent for their own protection against foreign attack, they saw it held with persistent tenacity as a means of offense against them by the very Government which they had established for their protection. They had beleaguered it for months, felt entire confidence in their power to capture it, yet yielded to the requirements of discipline, curbed their impatience, submitted without complaint to the unaccustomed hardships, labors, and privations of a protracted siege; and when at length their patience was rewarded by the signal for attack, and success had crowned their steady and gallant conduct, even in the very moment of triumph they evinced a chivalrous regard for the feelings of the brave but unfortunate officer who had been compelled to lower his flag. All manifestations of exultation were checked in his presence. Their commanding general, with their cordial approval and the consent of his Government, refrained from imposing any terms that could wound the sensibilities of the commander of the fort. He was permitted to retire with the honors of war, to salute his flag, to depart freely with all his command, and was escorted to the vessel in which he embarked with the highest marks of respect from those against whom his guns had been so recently directed.

Not only does every event connected with the siege reflect the highest honor on South Carolina, but the forbearance of her people and of this Government from making any harsh use of a victory obtained under circumstances of such peculiar provocation attest to the fullest extent the absence of any purpose beyond securing their own tranquillity and the sincere desire to avoid the calamities of war. Scarcely had the President of the United States received intelligence of the failure of the scheme which he had devised for the re-enforcement of Fort Sumter, when he issued the declaration of war against this Confederacy which has prompted me to convoke you. In this extraordinary production that high functionary affects total ignorance of the existence of an independent Government, which, possessing the entire and enthusiastic devotion of its people, is exercising its functions without question over seven sovereign States, over more than 5,000,000 of people, and over a territory whose area exceeds half a million of square miles. He terms sovereign States "combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by law." He calls for an army of 75,000 men to act as a posse comitatus in aid of the process of the courts of justice in States where no courts exist whose mandates and decrees are not cheerfully obeyed and respected by a willing people. He avows that "the *first* service to be assigned to the forces called out" will be not to execute the process of courts, but to capture forts and strongholds situated within the admitted limits of this Confederacy and garrisoned by its troops; and declares that "this effort" is intended "to maintain the perpetuity of popular government." He concludes by commanding "the persons composing the combinations aforesaid," to wit, the 5,000,000 of inhabitants of these States, "to retire peaceably to their respective

abodes within twenty days." Apparently contradictory as are the terms of this singular document, one point is unmistakably evident. The President of the United States called for an army of 75,000 men, whose *first* service was to be to capture our forts. It was a plain declaration of war which I was not at liberty to disregard because of my knowledge that under the Constitution of the United States the President was usurping a power granted exclusively to the Congress. He is the sole organ of communication between that country and foreign powers. The law of nations did not permit me to question the authority of the Executive of a foreign nation to declare war against this Confederacy. Although I might have refrained from taking active measures for our defense, if the States of the Union had all imitated the action of Virginia, North Carolina, Arkansas, Kentucky, Tennessee, and Missouri, by denouncing the call for troops as an unconstitutional usurpation of power to which they refused to respond, I was not at liberty to disregard the fact that many of the States seemed quite content to submit to the exercise of the power assumed by the President of the United States, and were actively engaged in levying troops to be used for the purpose indicated in the proclamation. Deprived of the aid of Congress at the moment I was under the necessity of confining my action to a call on the States for volunteers for the common defense, in accordance with the authority you had confided to me before your adjournment. I deemed it proper, further, to issue proclamation inviting application from persons disposed to aid our defense in private armed vessels on the high seas, to the end that preparations might be made for the immediate issue of letters of marque and reprisal which you alone, under the Constitution, have power to grant. I entertain no doubt you will concur with me in the opinion that in the absence of a fleet of public vessels it will be eminently expedient to supply their place by private armed vessels, so happily styled by the publicists of the United States "the militia of the sea," and so often and justly relied on by them as an efficient and admirable instrument of defensive warfare. I earnestly recommend the immediate passage of a law authorizing me to accept the numerous proposals already received. I cannot close this review of the acts of the Government of the United States without referring to a proclamation issued by their President, under date of the 19th instant, in which, after declaring that an insurrection has broken out in this Confederacy against the Government of the United States, he announces a blockade of all the ports of these States, and threatens to punish as pirates all persons who shall molest any vessel of the United States under letters of marque issued by this Government. Notwithstanding the authenticity of this proclamation you will concur with me that it is hard to believe it could have emanated from a President of the United States. Its announcement of a mere paper blockade is so manifestly a violation of the law of nations that it would seem incredible that it could have been issued by authority; but conceding this to be the case so far as the Executive is concerned, it will be difficult to satisfy the people of these States that their late confederates will sanction its declarations—will determine to ignore the usages of civilized nations, and will inaugurate a war of extermination on both sides by treating as pirates open enemies acting under the authority of commissions issued by an organized government. If such proclamation was issued it could only have been published under the sudden influence of passion, and we may rest assured mankind will be spared the horrors of the conflict it seems to invite.

For the details of the administration of the different Departments I refer to the reports of the Secretaries, which accompany this message.*

The State Department has furnished the necessary instructions for three commissioners who have been sent to England, France, Russia, and Belgium since your adjournment to ask our recognition as a member of the family of nations, and to make with each of those powers treaties of amity and commerce. Further steps will be taken to enter into like negotiations with the other European powers, in pursuance of your resolutions passed at the last session. Sufficient time has not yet elapsed since the departure of these commissioners for the receipt of any intelligence from them. As I deem it desirable that commissioners or other diplomatic agents should also be sent at an early period to the independent American powers south of our Confederacy, with all of whom it is our interest and earnest wish to maintain the most cordial and friendly relations, I suggest the expediency of making the necessary appropriations for that purpose. Having been officially notified by the public authorities of the State of Virginia that she had withdrawn from the Union and desired to maintain the closest political relations with us which it was possible at this time to establish, I commissioned the Hon. Alexander H. Stephens, Vice-President of the Confederate States, to represent this Government at Richmond. I am happy to inform you that he has concluded a convention with the State of Virginia by which that honored Commonwealth, so long and justly distinguished among her sister States, and so dear to the hearts of thousands of her children in the Confederate States, has united her power and her fortunes with ours and become one of us. This convention, together with the ordinance of Virginia adopting the Provisional Constitution of the Confederacy, will be laid before you for your constitutional action. I have satisfactory assurances from other of our late confederates that they are on the point of adopting similar measures, and I cannot doubt that ere you shall have been many weeks in session the whole of the slave-holding States of the late Union will respond to the call of honor and affection, and by uniting their fortunes with ours promote our common interests and secure our common safety.

In the Treasury Department regulations have been devised and put into execution for carrying out the policy indicated in your legislation on the subject of the navigation of the Mississippi River, as well as for the collection of revenue on the frontier. Free transit has been secured for vessels and merchandise passing through the Confederate States; and delay and inconvenience have been avoided as far as possible, in organizing the revenue service for the various railways entering our territory. As fast as experience shall indicate the possibility of improvement in these regulations no effort will be spared to free commerce from all unnecessary embarrassments and obstructions. Under your act authorizing a loan, proposals were issued inviting subscriptions for $5,000,000, and the call was answered by the prompt subscription of more than $8,000,000 by our own citizens, and not a single bid was made under par. The rapid development of the purpose of the President of the United States to invade our soil, capture our forts, blockade our ports, and wage war against us induced me to direct that the entire subscription should be accepted. It will now become necessary to raise means to a much larger amount to defray the expenses of maintaining our independence and repelling

*For report of the Secretary of War, see p. 247.

invasion. I invite your special attention to this subject, and the financial condition of the Government, with the suggestion of ways and means for the supply of the Treasury, will be presented to you in a separate communication.

To the Department of Justice you have confided not only the organization and supervision of all matters connected with the courts of justice, but also those connected with patents and with the bureau of public printing. Since your adjournment all the courts, with the exception of those of Mississippi and Texas, have been organized by the appointment of marshals and district attorneys and are now prepared for the exercise of their functions. In the two States just named the gentlemen confirmed as judges declined to accept the appointment and no nominations have yet been made to fill the vacancies. I refer you to the report of the Attorney-General and concur in his recommendation for immediate legislation, especially on the subject of patent rights. Early provision should be made to secure to the subjects of foreign nations the full enjoyment of their property in valuable inventions, and to extend to our own citizens protection, not only for their own inventions, but for such as may have been assigned to them or may hereafter be assigned by persons not alien enemies. The Patent-Office business is much more extensive and important than had been anticipated. The applications for patents, although confined under the law exclusively to citizens of our Confederacy, already average seventy per month, showing the necessity for the prompt organization of a bureau of patents.

The Secretary of War in his report and accompanying documents conveys full information concerning the forces—regular, volunteer, and provisional—raised and called for under the several acts of Congress—their organization and distribution; also an account of the expenditures already made, and the further estimates for the fiscal year ending the 18th of February, 1862, rendered necessary by recent events. I refer to his report also for a full history of the occurrences in Charleston Harbor prior to and including the bombardment and reduction of Fort Sumter, and of the measures subsequently taken for the common defense on receiving the intelligence of the declaration of war against us, made by the President of the United States. There are now in the field at Charleston, Pensacola, Forts Morgan, Jackson, Saint Philip, and Pulaski 19,000 men, and 16,000 are now en route for Virginia. It is proposed to organize and hold in readiness for instant action, in view of the present exigencies of the country, an army of 100,000 men. If further force should be needed, the wisdom and patriotism of Congress will be confidently appealed to for authority to call into the field additional numbers of our noble-spirited volunteers who are constantly tendering service far in excess of our wants.

The operations of the Navy Department have been necessarily restricted by the fact that sufficient time has not yet elapsed for the purchase or construction of more than a limited number of vessels adapted to the public service. Two vessels purchased have been named the Sumter and McRae, and are now being prepared for sea at New Orleans with all possible dispatch. Contracts have also been made at that city with two different establishments for the casting of ordnance—cannon shot and shell—with the view to encourage the manufacture of these articles, so indispensable for our defense, at as many points within our territory as possible. I call your attention to the recommendation of the Secretary for the establishment of a

magazine and laboratory for preparation of ordnance stores and the necessary appropriation for that purpose. Hitherto such stores have usually been prepared at the navy-yards, and no appropriation was made at your last session for this object. The Secretary also calls attention to the fact that no provision has been made for the payment of invalid pensions to our own citizens. Many of these persons are advanced in life; they have no means of support, and by the secession of these States have been deprived of their claim against the Government of the United States. I recommend the appropriation of the sum necessary to pay these pensioners, as well as those of the Army, whose claims can scarcely exceed $70,000 per annum.

The Postmaster-General has already succeeded in organizing his Department to such an extent as to be in readiness to assume the direction of our postal affairs on the occurrence of the contingency contemplated by the act of March 15, 1861, or even sooner if desired by Congress. The various books and circulars have been prepared and measures taken to secure supplies of blanks, postage stamps, stamped envelopes, mail bags, locks, keys, &c. He presents a detailed classification and arrangement of his clerical force and asks for its increase. An auditor of the Treasury for this Department is necessary, and a plan is submitted for the organization of his bureau. The great number and magnitude of the accounts of this Department require an increase of the clerical force in the accounting branch in the Treasury. The revenues of this Department are collected and disbursed in modes peculiar to itself, and require a special bureau to secure a proper accountability in the administration of its finances. I call your attention to the additional legislation required for this Department; to the recommendation for changes in the law fixing the rates of postage on newspapers, periodicals, and sealed packages of certain kinds, and specially to the recommendation of the Secretary, in which I concur, that you provide at once for the assumption by him of the control of our entire postal service.

In the military organization of the States provision is made for brigadier and major generals, but in the Army of the Confederate States the highest grade is that of brigadier-general. Hence it will no doubt sometimes occur that where troops of the Confederacy do duty with the militia, the general selected for the command and possessed of the views and purposes of this Government will be superseded by an officer of the militia not having the same advantages. To avoid this contingency in the least objectionable manner I recommend that additional rank be given to the general of the Confederate Army, and concurring in the policy of having but one grade of generals in the Army of the Confederacy, I recommend that the law of its organization be amended so that the grade be that of general. To secure a thorough military education it is deemed essential that officers should enter upon the study of their profession at an early period of life and have elementary instruction in a military school. Until such school shall be established it is recommended that cadets be appointed and attached to companies until they shall have attained the age and have acquired the knowledge to fit them for the duties of lieutenants. I also call your attention to an omission in the law organizing the Army, in relation to military chaplains, and recommend that provision be made for their appointment.

In conclusion, I congratulate you on the fact that in every portion of our country there has been exhibited the most patriotic devotion to our common cause. Transportation companies have freely ten-

dered the use of their lines for troops and supplies. The presidents of the railroads of the Confederacy, in company with others who control lines of communication with States that we hope soon to greet as sisters, assembled in convention in this city, and not only reduced largely the rates heretofore demanded for mail service and conveyance of troops and munitions, but voluntarily proffered to receive their compensation, at these reduced rates, in the bonds of the Confederacy, for the purpose of leaving all the resources of the Government at its disposal for the common defense. Requisitions for troops have been met with such alacrity that the numbers tendering their services have in every instance greatly exceeded the demand. Men of the highest official and social position are serving as volunteers in the ranks. The gravity of age and the zeal of youth rival each other in the desire to be foremost for the public defense; and though at no other point than the one heretofore noticed have they been stimulated by the excitement incident to actual engagement and the hope of distinction for individual achievement, they have borne what for new troops is the most severe ordeal—patient toil and constant vigil, and all the exposure and discomfort of active service, with a resolution and fortitude such as to command approbation and justify the highest expectation of their conduct when active valor shall be required in place of steady endurance. A people thus united and resolved cannot shrink from any sacrifice which they may be called on to make, nor can there be a reasonable doubt of their final success, however long and severe may be the test of their determination to maintain their birthright of freedom and equality as a trust which it is their first duty to transmit undiminished to their posterity. A bounteous Providence cheers us with the promise of abundant crops. The fields of grain which will within a few weeks be ready for the sickle give assurance of the amplest supply of food for man; whilst the corn, cotton, and other staple productions of our soil afford abundant proof that up to this period the season has been propitious. We feel that our cause is just and holy; we protest solemnly in the face of mankind that we desire peace at any sacrifice save that of honor and independence; we seek no conquest, no aggrandizement, no concession of any kind from the States with which we were lately confederated; all we ask is to be let alone; that those who never held power over us shall not now attempt our subjugation by arms. This we will, this we must, resist to the direst extremity. The moment that this pretension is abandoned the sword will drop from our grasp, and we shall be ready to enter into treaties of amity and commerce that cannot but be mutually beneficial. So long as this pretension is maintained, with a firm reliance on that Divine Power which covers with its protection the just cause, we will continue to struggle for our inherent right to freedom, independence, and self-government.

JEFFERSON DAVIS.

MONTGOMERY, *April 29, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville, Ga.:

The organization of brigades and divisions belongs to the President, under the sixth section of the act "to provide for the public defense."

L. P. WALKER.

MONTGOMERY, *April 29, 1861.*

Governor J. E. BROWN,
Milledgeville:

I wish you to furnish immediately one regiment of infantry of picked men for Pensacola.

Private.—Bragg needs them for lodgment on Santa Rosa Island preparatory to opening upon Fort Pickens. Dispatch is necessary. One regiment goes from here in a day or two. Would like to have it consist of drilled companies, if possible.

L. P. WALKER.

MONTGOMERY, ALA., *April 30, 1861.*

Hon. L. P. WALKER,
Secretary of War:

DEAR SIR: A perusal of the following resolutions, adopted by the convention of railroad presidents lately convened in this city, will explain the object of this communication:

Resolved, That the secretaries furnish the Postmaster-General and the Secretary of War with copies of the resolutions of this convention so far as they relate to their respective Departments.

In accordance with the above I have the honor to inclose a copy of the resolutions referred to.

With great respect, your obedient servant,

DANL. H. CRAM,
Secretary.

[Inclosure.]

Resolved, That the several railroad companies represented in convention will transport troops and munitions, upon the plan indicated by the Quartermaster-General, at the following rates, namely: Men, 2 cents per mile; munitions, provisions, and material, at half the regular local rates.

Resolved, That in view of the present condition of the country and of the possibility that the money at the command of the Government may be required for other purposes, and particularly to provision and keep in the field the troops required for the defense of the Confederate States, the companies represented in this convention will, if it should become necessary in the opinion of the Secretary of the Treasury to make payment for the transportation of troops, munitions, and provisions over our several roads in the bonds of the Confederate States or in Treasury notes, receive the same at par.

Resolved, That the two foregoing resolutions in relation to the transportation of men, provisions, and munitions take effect on the 1st day of May.

Resolved, That each company here represented will immediately issue a notice that all companies, detachments, or squads of men or individuals must be provided with the requisite authority from the Quartermaster-General's Department, or other proper officer of the Confederate States, to entitle them to the conditions adopted by this convention.

Resolved, That the Quartermaster-General be requested at once to designate what class of certificate shall be sufficient to pass detachments or squads of men or individuals over the several roads at the expense of the Confederate States.

POST-OFFICE DEPARTMENT,
Montgomery, April 30, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I have the honor of calling your attention to the inclosed copy of a communication addressed to this Department by A. M. Gentry, esq., president of the Texas and New Orleans Railroad Company.

Respectfully,

H. ST. GEO. OFFUTT,
Chief of Contract Bureau.

[Inclosure.]

GALVESTON, *April 24, 1861.*

Hon. JOHN H. REAGAN,
Postmaster-General, &c., Montgomery:

SIR: Your letter of the 16th instant was duly received by me at this point this a. m., it having been detained by going up to Houston and being returned again. I find it to be impossible for me now to reach Montgomery in time for the interview at noon on the 26th. Yet we may have an agent or representative there in a few days after. I feel that my presence here and in Louisiana will keep me in position to be of more service to our country than if I were to leave at this juncture. I am now making all my arrangements to put on between Texas and New Orleans, as soon as our outside communication is stopped, which we may expect hourly, a line of pony express between the railroads, so as to get the Government dispatches and important letters through regularly in from forty-eight to sixty hours. I will not wait for orders from your Department to do this, but will act on the necessity and leave it to you and the War Department to arrange about hereafter. All public dispatches for the Confederate States Government forwarded to me at Houston from all parts of Texas will be pushed through by private bearers if necessary. In the meantime remember we will be prepared to convey the mails all inland at a reasonable compensation, and open a line for transport of munitions of war and men in case of blockade. Please keep me advised.

Yours, respectfully,

A. M. GENTRY,
Prest. of Texas and New Orleans Railroad Co., Houston, Tex.

MONTGOMERY, *April 30, 1861.*

Hon. C. M. CONRAD:

DEAR SIR: Understanding that there is a great scarcity of small fire-arms and ammunition in the Confederate States, it has occurred to me that some might be obtained in the British Provinces, Maine, Massachusetts, and New York. Being a British subject, and from that part of New Brunswick adjoining the most eastern extremity of Maine, and having relatives who would co-operate with me, I propose (if the arms and ammunition are to be had) to load one or more small vessels in New Brunswick near the lines and run them into some port or inlet of the Confederate States. Having a British clearance and register, they could be loaded so as to avoid all suspicion, even if examined by the enemy. Will you be kind enough to submit the above proposition to the President; and should it meet with his approval, and a special agent, clothed with necessary powers, be

appointed to act in conjunction with me, I shall be happy to devote myself to the accomplishment of the proposed object. Inclosed I hand you a letter of introduction to President Davis given me by Governor Moore, of Louisiana.

Very respectfully, your obedient servant,

W. H. AYMAR.

[Inclosure.]

NEW ORLEANS, *April 25, 1861.*

JEFFERSON DAVIS,
President of the Confederate States, Montgomery, Ala.:

DEAR SIR: I beg leave to introduce to you Mr. W. H. Aymar, a gentleman of standing and respectability in New Orleans. Mr. Aymar is a British subject, who desires to have an interview with you on the subject of the purchase of arms and ammunition in Canada for the use of the Confederate States. You can rely upon all that Mr. Aymar says to you.

Very respectfully, your obedient servant,

THO. O. MOORE.

MARIETTA, *April 30, 1861.*

L. P. WALKER:

I have sent most of my best drilled companies to Virginia. Will do the best I can for you. Do not believe it possible to have them ready with tents, knapsacks, and accouterments immediately. Can you furnish any? The calls come so fast one cannot get enough made.

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 30, 1861.

His Excellency FRANCIS W. PICKENS,
Governor of South Carolina:

SIR: I have had the honor to receive your letters of the 23d and 25th of April, and should have instantly replied to them but for the overwhelming pressure upon me consequent on the approach of Congress. It gives me now very great pleasure to reassure Your Excellency that the amount of subsistence applied for will be furnished, and to add my cordial approval of the steps taken in reference to the forces you have raised under the requisition of General Beauregard. When these troops shall be called for by this Department they will be placed under Confederate officers, and be assigned to active and not garrison duty, according to your wishes. Our plan of operations for the campaign is not yet thoroughly matured, but our troops will rendezvous in Virginia, subject to orders. Virginia and North Carolina are considered certain to unite with this Government, and in our intercourse with them, especially in our military operations, they are thus regarded. The uniform, earnest, and consistent co-operation of Your Excellency with our efforts here to defend and maintain the general interest is deeply felt and acknowledged by each member of the Government, but by none more sincerely than myself.

I have the honor to be, with the highest consideration,

L. P. WALKER,
Secretary of War.

NASHVILLE, *April 30, 1861.*

Hon. L. P. WALKER:

After receiving your telegram of 22d, and one same day from Governor Letcher, I proceeded to organize three regiments for Lynchburg, Va. Dispatch from Governor Letcher to-day saying he knows nothing of the call, and asking me not to send until further orders. The regiments will report themselves ready to-morrow or next day. If they go, will conform to all the terms specified in your dispatch, reserving, however, the right to be recalled to Tennessee when the Governor may deem it necessary, and must be armed, provisioned, &c., at Lynchburg. Answer.

ISHAM G. HARRIS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 1, 1861.

DANIEL H. CRAM, Esq.,
Secretary of the Montgomery and West Point Railroad:

SIR: The Secretary of War has had the honor to receive the resolutions "adopted by the convention of railroad presidents lately convened at Montgomery," inclosed with your letter of the 30th of April. With a high appreciation of the action of the convention he returns the grateful acknowledgments of this Department.

I have the honor to be, very respectfully, your obedient servant,

JOHN TYLER, JR.

[MAY 1, 1861.—For Jett to Davis, tendering services of a brigade of Arkansas militia, see Series I, Vol. I, p. 689.]

NEW ORLEANS, *May 1, 1861.*

President JEFFERSON DAVIS:

We send a swift steamer to Havana at once. We can there buy a large quantity of muskets, rifles, powder, caps. We have not sufficient funds to buy all. Shall I buy for Confederacy? If so, give credit on Citizens' Bank.

THO. O. MOORE.

NEW ORLEANS, *May 1, 1861.*

J. P. BENJAMIN:

It will bankrupt the State to keep 6,000 men an indefinite time. To disband them would be very disastrous. Is it possible for you to intimate how long I should have to keep them before they are mustered into the service of the Confederate States? Answer immediately.

THO. O. MOORE.

[MAY 1, 1861.—For Ellis to Davis, announcing passage of convention bill, &c., see Series I, Vol. I, p. 488.]

EXECUTIVE DEPARTMENT, SOUTH CAROLINA,
May 1, 1861.

Honorable Mr. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: I wrote you on the 26th of April, requesting the appointment of a paymaster-general for the forces that are now here in the Confederate service, and also a commissary-general, so as to have everything reduced to one system, and as soon as these officers are appointed by you I will withdraw those I have appointed from service. In all this General Beauregard concurs. The regiments that have been called into service were so called under requisitions from your Department and also under express orders from General Beauregard. I consider them as volunteers from South Carolina, and if two or more regiments are brought together they are subject to the command of a general appointed by the President, particularly if called out of the State. I consider these volunteer regiments as volunteers from South Carolina, and not technically what may be called provisional forces or the Provisional Army, for our enlisted and regular troops are constituting a part of the Provisional Army. If I understand it, the Confederate Government propose to have a regular standing army, enlisted for a term not shorter than three years, and our regular enlisted battalion of artillery and part of a regiment of infantry could not be received into the Regular Army of the Confederate Government, because its time of enlistment was too short and the officers were not appointed by the President; but there is no difficulty in their being transferred over to the Confederate forces as part of the Provisional Army, as is done from Georgia and other States. Then there is in contemplation a volunteer force, to be formed of regiments, battalions, and companies besides, which in like manner, when two or more regiments are together, may be commanded by a general from the Confederate States, appointed by the President, or, if he chooses, designated from one of our generals appointed over our volunteer organization, but just as the President orders.

There are, then, three distinct services: First, a Regular Army of the Confederate Government, then a Provisional Army, and then a force composed of volunteer regiments from the States, but still known as volunteers for a year's service, composed of men not enlisted or drafted. Our volunteer regiments are of this kind, ready for service, and ready to obey any generals appointed or designated by the President of the Confederate Government. If I am understood in this, please let me know if I am right, so there may be no misunderstanding. Our organization of 10,000 men into regiments was made under an act passed when we were a State by ourselves and before any provisional government had been formed, and therefore might seem to have been formed for the State alone; but the convention of the State, through our representatives, formed a Provisional Government, which I consider as binding upon us as our own State government, and have therefore considered the defense of these Confederate States as the defense of South Carolina, and the organization of our volunteer regiments is the most efficient that can be made at present. I therefore think the conditions above indicated as just to them, and not at all impairing the efficiency of the forces that may be required for the Confederate Government.

Very respectfully, your obedient servant,

F. W. PICKENS.

MONTGOMERY, *May 1, 1861.*

Governor I. G. HARRIS,
Nashville:

All the arrangements have been made for the transportation of the troops to Lynchburg, where they will be armed and equipped and provisioned, of course. Let me know when they will depart. I send by mail bonds to be executed by an assistant quartermaster and assistant commissary for each regiment, leaving you to designate the persons. Their rank and pay will be that of captain. Have the bonds executed according to directions accompanying them and forwarded to me. Would like to know what your Legislature has done.

L. P. WALKER.

[MAY 1, 1861.—For Walker to Harris, in regard to recall of Tennessee troops sent to Virginia, see Series I, Vol. LII, Part II, p. 81.]

[MAY 1, 1861.—For correspondence between Walker and Letcher, in regard to organization, disposition, &c., of the military force of Virginia, see Series I, Vol. II, p. 792.]

MAY 2, 1861.

His Excellency JEFFERSON DAVIS,
President of the Confederate States:

SIR: The estimates furnished by the War Department require that the whole amount of the $15,000,000 loan should be realized as promptly as possible. I recommend, therefore, to Your Excellency that the Secretary of the Treasury be authorized to make an immediate call for the balance.

Very respectfully, your obedient servant,

C. G. MEMMINGER,
Secretary of the Treasury.

GENERAL ORDERS, No. 7. HEADQUARTERS VIRGINIA FORCES,
Richmond, Va., May 2, 1861.

In order that there may be no misapprehension, it is hereby ordered that the State of Virginia will not be held responsible for any extra charge by railroad companies for running extra trains for the transportation of persons employed in the military service of the State, freight, supplies, munitions of war, &c., without express authority in writing from the quartermaster in Richmond in charge of the department of transportation. But in case of extraordinary emergency this rule will be waived so far as to empower railroad officials to telegraph to the quartermaster-general at Richmond for authority to employ extra trains if it shall be considered absolutely essential for the interests of the public service. No compensation will be made for the transportation of any persons in the military service, freight, supplies, munitions of war, &c., except supplies to the subsistence department, unless specially authorized by the aforesaid quartermaster or some

other officer with written authority from the quartermaster's department, or some one of the general officers commanding divisions or departments of the State. Subsistence supplies will be consigned to the commissary of subsistence at the point of destination, and a receipt from him or an authorized officer of his department will be considered a sufficient voucher for payment. All officers of railroad companies are requested to render their accounts weekly, to be accompanied by the written orders from properly authorized officers, as specified aforesaid, as vouchers, when said accounts will be duly examined and certified to by the quartermaster's department for payment thereof. Troops, baggage, munitions, and subsistence stores from other States will be forwarded from Weldon and Goodson without any special order.

By command of Major-General Lee:

R. S. GARNETT,
Adjutant-General.

NASHVILLE, *May 2, 1861.*

Hon. L. P. WALKER:

Colonel Turney's regiment left Winchester for Lynchburg last night. The regiments of Colonels Bate and Maney will be ready to march in a day or two. Shall I send them forward as soon as organized?

ISHAM G. HARRIS.

AN ACT to provide for the appointment of chaplains in the Army.

SECTION 1. *The Congress of the Confederate States of America do enact*, That there shall be appointed by the President such number of chaplains, to serve with the armies of the Confederate States during the existing war, as he may deem expedient; and the President shall assign them to such regiments, brigades, or posts as he may deem necessary; and the appointments made as aforesaid shall expire whenever the existing war shall terminate.

SEC. 2. The monthly pay of said chaplains shall be $85; and said pay shall be in full of all allowances whatever.

Approved May 3, 1861.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 3, 1861.

Mr. W. H. AYMAR:

SIR: Upon your representation that good and serviceable arms may be purchased in the British Provinces, you are hereby informed that the Confederate States will receive from you at any of its ports any such arms you may be able to procure, paying you therefor full value of such arms, with all cost of transportation and other expenses. This Government will also indemnify you against losses by sea or capture by the enemy upon satisfactory evidence thereof. Brass cannon and accouterments and other materials of war will be received on the same terms. Payment will be made to your order at any point within the Confederacy you may indicate on receipt of the arms and munitions.

Respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

MAY 3, 1861.

Hon. L. P. WALKER,
Secretary of War:

DEAR SIR: I received to-day from Mr. Tate, the president of the Memphis and Charleston Railroad, the inclosed letter. I am induced to send it to you because of the importance of the matters referred to and the known business character and capacity of the writer. The objects are of great moment, and this must constitute my apology for pressing anything upon your attention at a time when it is so constantly occupied.

I have the honor to be, yours, most respectfully,

ALEX. M. CLAYTON.

[Inclosure.]

CHARLESTON, S. C., *May 1, 1861.*

Hon. A. M. CLAYTON,
Montgomery, Ala.:

DEAR SIR: The importance of the questions involved and the interest I know you feel in their success induces me to address you now. I know you are near the President and can get his ear. There are no provisions in the South—not enough for a full supply for sixty days. How are we to get it? The Government at Washington is making important arrangements to take Saint Louis and close the Mississippi effectually against us from Cairo up. This cuts off our last hope for a full supply of provisions and lead. By efficient action now we can save the State of Missouri to the South and keep open an outlet to an abundant supply of provisions. If we don't aid Missouri, and that quickly, we lose both and place our enemies in a position to concentrate an army in the Northwest unmolested, with plenty to eat and fully equipped to overrun the Mississippi Valley. Governor Jackson is with us. His people are also with us, except at Saint Louis, where they are divided. The first thing we know we will be out of powder, lead, and percussion-caps. They can be had through Cuba alone at this time, and a blockade may be established that will cut off this means of supply. Our Government should act, and act with the most vigorous energy, to effect these objects at once. I am neither a politician nor a warrior. I have too much on my hands to engage actively in either. I can serve my country better in other ways. I hope you will not let our Government lose sight of the vast interests at stake in the Mississippi Valley, and by all means urge the keeping open the navigation of the Mississippi River and the possession of Saint Louis at all hazards.

Your friend,

SAM. TATE.

MONTGOMERY, *May 3, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

Your dispatch of 1st to Mr. Benjamin just received. It is impossible now to say when additional troops will be required. Until the call is made absolute there is no necessity to rendezvous them at New Orleans. My conditional requisitions were made simply that you might have companies organized in your State ready to respond. Let me know what number are assembled in New Orleans.

L. P. WALKER.

MONTGOMERY, *May 3, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

Your dispatch of the 3d [1st?] to the President received. Buy all the muskets, rifles, powder, and caps that you can. The funds will be provided as you suggest. The Secretary of the Treasury will see to this.

L. P. WALKER.

EXECUTIVE OFFICE,
Jackson, Miss., May 3, 1861.

His Excellency President JEFFERSON DAVIS:

DEAR SIR: The troops from Mississippi at Pensacola are sending to me for tents, clothing, arms, medicine, &c. I am sending them whatever is in my power to furnish. The expenses of forwarding our troops, arms, ammunition, tents, camp equipage, clothing, &c., has so depleted our treasury that I am unable to pay the expenses of calling the remaining troops into camp for instruction, which they very much need. Is it proposed by the Confederate Government to refund to the States these advances made by them for the troops sent into service? If so, please have me informed when and how. We have now about eighty companies anxious to get into service and clamoring to be ordered into camp for drill and instruction. The ten cavalry companies provided for in our ordinance were promptly filled, some of them well armed, and drilling daily. They began to despair of being called for, and are asking to be permitted to change their arms for infantry; but I will not trouble you with the detail of these matters. Suffice it to say, all Mississippi is in a fever to get to the field, and hail an order to march as the greatest favor you can bestow on them, and if you take the field they could not be restrained.

Governor Winston, of Alabama, wishes a fighting place in the picture. I know him well; he is capable of doing the Confederacy much and valuable service, and many will be trusted with command in this war who are not as faithful, as wise, or as brave as I know him to be. Any aid you may render him in getting a position in the field will be gratefully remembered by me and worthily bestowed on him. I am putting a battery at Vicksburg, but hope to move it several hundred miles up the river before one of the guns is fired at our enemies. I hope you will cause our Confederacy to act like James Fitz-James when beset by Highland foes, "no timid deer, but lion of the hunt aware."

In hopes of an early additional requisition, I am, very respectfully, your friend,

JOHN J. PETTUS.

MONTGOMERY, ALA., *May 3, 1861.*

Governor ISHAM G. HARRIS,
Nashville, Tenn.:

Yes; send them forward as soon as organized.

L. P. WALKER.

[MAY 3, 1861.—For proclamation of the Governor of Virginia calling out the military forces of the State to repel invasion, &c., see Series I, Vol. II, p. 797.]

AN ACT providing for a regiment of zouaves in the Army of the Confederate States.

The Congress of the Confederate States of America do enact, That there shall be added to the military establishment of the Confederate States one regiment of zouaves, to be composed of one colonel, one lieutenant-colonel, one major, and ten companies; and each company shall consist of one captain, one first lieutenant, two second lieutenants, one sergeant-major, one quartermaster-sergeant, four sergeants, and eight corporals, and ninety privates. And to the regiment there shall be attached one adjutant and a quartermaster, to be selected from the lieutenants. And one assistant surgeon shall be appointed for the regiment, in addition to those already authorized by law for the Medical Department. The monthly pay of the officers of the regiment of zouaves shall be the same as that of officers of infantry of the same rank; the allowances shall also be the same as those provided by law for officers of infantry; and the adjutant and quartermaster shall receive $10 per month in addition to their pay as lieutenants. The monthly pay of the enlisted men of said regiment of zouaves shall be as follows: Sergeant-major and quartermaster-sergeant, $20; sergeants, $17; corporals, $13, and privates, $11 each, together with the same rations and allowance for clothing as are received by all other enlisted men.

Approved May 4, 1861.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 4, 1861.

Hon. A. R. WRIGHT,
Of the Congress:

SIR: Your letter of the 3d of May, inclosing to the President two telegrams from the Hon. L. J. Gartrell, of Atlanta, Ga., together with a letter from Mr. Gartrell directed to the President, have been referred to this Department. Your note, the telegrams, and the letter of Mr. Gartrell all refer to one subject, to wit, the reception by this Department of an independent regiment from Georgia, to be raised and commanded by Mr. Gartrell. On the 2d of May, the day of the date of Mr. Gartrell's letter to the President as to the reception of his regiment, he addressed to this Department a letter now before me, in which he also desires the reception of an independent company of dragoons commanded by Col. W. T. Wilson. Before these communications were made to the President and myself Mr. Gartrell had written to the War Department on the same subject, and on the 1st day of May I caused a response to be prepared and transmitted to him, both as to the law and the reason of the law under which the rule of my action had been fixed with regard to all such tenders from within the States of the Confederacy. A copy of this response, taken from the letter-book of the office, I have the honor to send herewith for your further information. I am now informed that Governor Brown, of Georgia, does not object to my receiving into the Confederate service the regiment from that State proposed by Mr. Gartrell, and I am further informed that Governor Brown will fully equip and supply with arms and accouterments this regiment under these circumstances, considering the reason of the rule of my action under the law as satisfied. I

will receive this regiment subject to the conditions as laid down by Mr. Gartrell and assented to by Governor Brown, to wit:

First. The regiment must be raised within ten days, and be tendered to this Department fully equipped, armed, and accoutered.

Second. No application for arms and accouterments must be made by Governor Brown for this purpose upon any supply of arms and accouterments belonging to the Confederate States at Augusta or elsewhere.

Third. If this regiment, after being raised, shall report to this Department for arms and accouterments, or for any other necessary equipments, they will be rejected, not having fulfilled the previously expressed and voluntary conditions.

I trust, sir, that considering the great importance of the question as it will be found to be presented in the letter to Mr. Gartrell from this office of the 1st of May, this arrangement will be regarded in all its strictness as the very best evidence I can give of my anxious solicitude to gratify Mr. Gartrell, to avoid offense to Governor Brown, and to oblige yourself.

I have the honor to be, with the highest consideration, your obedient servant,

L. P. WALKER.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 1, 1861.

Hon. L. J. GARTRELL,
Atlanta, Ga.:

SIR: Your letter of the 29th of April to the Hon. A. R. Wright has been referred to this Department, and I am instructed by the Secretary of War to say in answer that the uniform rule obtaining in respect to the subject-matter of your communication is such as has been already made known to you. It will appear to you at once as evident that any other would engender conflict between State and Confederate authority. If independent volunteer corps from within the Confederate States were accepted here, without regard to the wishes and concurrent action of State Executives, the ability of the latter to meet requisitions made upon them by the President would be seriously impaired. This would follow inevitably. But there is yet a higher principle involved, and one that strikes at the very foundation of the political system we are struggling to maintain. I mean that of State sovereignty. In view of this principle the action of the Confederate Government is rendered inoperative even upon State militia, save through the Governors of the States. The rule is more than just; it involves the fundamental doctrine of free institutions. With every disposition to oblige you personally, these are the considerations that operate to relieve him of the power to accept the regiment you place at his disposal without it comes tendered by Governor Brown. If Governor Brown thinks proper he may accept the services of this regiment under the call made upon him by the President for an additional regiment to proceed to Pensacola, communicated on Monday last, provided he has not already made his election.

Trusting that this explanation may be satisfactory, I have the honor to be, with high regard, your obedient servant,

JOHN TYLER, JR.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, ORDNANCE OFFICE,
Montgomery, May 4, 1861.

Honorable SECRETARY OF WAR:

GENERAL: Permit me to suggest that in order to relieve the central Government of the multiplied calls made upon it for arms, ammunition, &c., the Governors of States be notified that arms and ammunition will be supplied to troops called out at the points where the troops are to rendezvous for active service. Let the troops be notified beforehand by the State authorities to equip themselves with such temporary knapsacks, haversacks, and canteens as each individual can prepare for himself. The central Government will supply these of good quality at the place of rendezvous as fast as they can be made. This will in a great measure prevent the perplexing and mischievous requisitions of Governors of States on the arsenals.

Respectfully, your obedient servant,

J. GORGAS,
Major, &c.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 4, 1861.

His Excellency JOSEPH E. BROWN,
Governor of Georgia, Milledgeville:

SIR: Your letter of the 27th April in relation to the law governing this Department with regard to staff appointments for the volunteer forces called into the Confederate service is before me, and it gives me great pleasure to point you to the following provisions upon the subject contained in the acts of Congress, to wit:

By the act approved March 6, 1861, it is provided—

Whenever the militia or volunteers are called and received into the service of the Confederate States (under the act to provide for the public defense), they shall have the same organization, and shall have the same pay and allowances, as may be provided for the Regular Army.

This act further provides that—

When volunteers or militia are called into the service of the Confederate States in such numbers that the officers of the Quartermaster's, Commissary, and Medical Departments which may be authorized by law for the regular service are not sufficient to provide for the supplying, quartering, transporting, and furnishing them with the requisite medical attendance, it shall be lawful for the President to appoint, with the advice and consent of the Congress, as many additional officers of the said departments as the service may require, not exceeding one commissary and one quartermaster for each brigade, with the rank of major, and one assistant quartermaster with the rank of captain, one assistant commissary with the rank of captain, one surgeon and one assistant surgeon for each regiment.

The necessity existing for the exercise by this Government of the discretionary powers lodged in it by this act, and the duties incident thereto having devolved upon me, I have been left no alternative than to take upon myself the responsibility, although, consulting my own individual tastes and feelings on the subject, I should have been, so far at least as Georgia is concerned, only too happy to have left the disagreeable burden with Your Excellency. I beg Your Excellency to be assured I have never imagined you could have entertained a sentiment of "jealousy" in relation to the exercise of

an office equally harassing to the judgment and annoying to the sensibilities.

Very truly, and with the highest consideration, believe me, your obedient servant,

L. P. WALKER.

[MAY 4 and 9, 1861.—For correspondence between Walker and Brown, in relation to the organization of troops for the defense of the coast of Georgia, see Series I, Vol. LIII, pp. 160, 164.]

[MAY 5, 1861.—For proclamation of Brig. Gen. P. St. George Cocke, calling for volunteers from the eastern counties of Virginia, see Series I, Vol. II, p. 804.]

[MAY 5, 1861.—For Jackson to Walker, in relation to troops from Missouri, &c., see Series I, Vol. I, p. 690.]

AN ACT recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods.

Whereas, the earnest efforts made by this Government to establish friendly relations between the Government of the United States and the Confederate States, and to settle all questions of disagreement between the two Governments upon principles of right, justice, equity, and good faith, have proved unavailing by reason of the refusal of the Government of the United States to hold any intercourse with the commissioners appointed by this Government for the purposes aforesaid, or to listen to any proposal they had to make for the peaceful solution of all causes of difficulty between the two Governments; and

Whereas, the President of the United States of America has issued his proclamation making requisition upon the States of the American Union for 75,000 men for the purpose, as therein indicated, of capturing forts and other strongholds within the jurisdiction of, and belonging to, the Confederate States of America, and has detailed naval armaments upon the coasts of the Confederate States of America, and raised, organized, and equipped a large military force to execute the purpose aforesaid, and has issued his other proclamation announcing his purpose to set on foot a blockade of the ports of the Confederate States; and

Whereas, the State of Virginia has seceded from the Federal Union and entered into a convention of alliance offensive and defensive with the Confederate States, and has adopted the Provisional Constitution of the said States; and the States of Maryland, North Carolina, Tennessee, Kentucky, Arkansas, and Missouri have refused, and it is believed that the State of Delaware and the inhabitants of the Territories of Arizona and New Mexico, and the Indian Territory south of Kansas, will refuse to co-operate with the Government of the United States in these acts of hostilities and wanton aggression, which are plainly intended to overawe, oppress, and finally subjugate the people of the Confederate States; and

Whereas, by the acts and means aforesaid, war exists between the Confederate States and the Government of the United States and the States and Territories thereof, except the States of Maryland, North Carolina, Tennessee, Kentucky, Arkansas, Missouri, and Delaware, and the Territories of Arizona and New Mexico, and the Indian Territory south of Kansas: Therefore,

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President of the Confederate States is hereby authorized to use the whole land and naval force of the Confederate States to meet the war thus commenced, and to issue to private armed vessels commissions or letters of marque and general reprisal in such form as he shall think proper, under the seal of the Confederate States, against the vessels, goods, and effects of the Government of the United States, and of the citizens or inhabitants of the States and Territories thereof, except the States and Territories hereinbefore named: *Provided, however*, That property of the enemy (unless it be contraband of war) laden on board a neutral vessel shall not be subject to seizure under this act: *And provided further*, That vessels of the citizens or inhabitants of the United States now in the ports of the Confederate States, except such as have been since the 5th of April last, or may hereafter be, in the service of the Government of the United States, shall be allowed thirty days after the publication of this act to leave said ports and reach their destination; and such vessels and their cargoes, excepting articles contraband of war, shall not be subject to capture under this act during said period unless they shall have previously reached the destination for which they were bound on leaving said ports.

SEC. 2. That the President of the Confederate States shall be, and he is hereby, authorized and empowered to revoke and annul at pleasure all letters of marque and reprisal which he may at any time grant pursuant to this act.

SEC. 3. That all persons applying for letters of marque and reprisal, pursuant to this act, shall state in writing the name and a suitable description of the tonnage and force of the vessel, and the name and place of residence of each owner concerned therein and the intended number of the crew, which statement shall be signed by the person or persons making such application and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

SEC. 4. That before any commission or letters of marque and reprisal shall be issued as aforesaid, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof for the time being, shall give bond to the Confederate States, with at least two responsible sureties not interested in such vessel, in the penal sum of $5,000, or if such vessel be provided with more than 150 men, then in the penal sum of $10,000, with condition that the owners, officers, and crew who shall be employed on board such commissioned vessel shall and will observe the laws of the Confederate States and the instructions which shall be given them according to law for the regulation of their conduct, and will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof by such vessel during her commission, and to deliver up the same when revoked by the President of the Confederate States.

SEC. 5. That all captures and prizes of vessels and property shall be forfeited and shall accrue to the owners, officers, and crews of the

vessels by whom such captures and prizes shall be made, and on due condemnation had shall be distributed according to any written agreement which shall be made between them; and if there be no such written agreement, then one moiety to the owners and the other moiety to the officers and crew, as nearly as may be, according to the rules prescribed for the distribution of prize money by the laws of the Confederate States.

SEC. 6. That all vessels, goods, and effects, the property of any citizen of the Confederate States, or of persons resident within and under the protection of the Confederate States, or of persons permanently within the territories and under the protection of any foreign prince, government, or State in amity with the Confederate States, which shall have been captured by the United States, and which shall be recaptured by vessels commissioned as aforesaid, shall be restored to the lawful owners upon payment by them of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court having jurisdiction, according to the nature of each case, agreeably to the provisions established by law. And such salvage shall be distributed among the owners, officers, and crews of the vessels commissioned as aforesaid and making such captures, according to any written agreement which shall be made between them; and in case of no such agreement, then in the same manner and upon the principles hereinbefore provided in cases of capture.

SEC. 7. That before breaking bulk of any vessel which shall be captured as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such captured vessel, goods, or effects shall be brought into some port of the Confederate States or of a nation or State in amity with the Confederate States, and shall be proceeded against before a competent tribunal; and after condemnation and forfeiture thereof shall belong to the owners, officers, and crew of the vessel capturing the same, and be distributed as before provided; and in the case of all captured vessels, goods, and effects which shall be brought within the jurisdiction of the Confederate States, the district courts of the Confederate States shall have exclusive original cognizance thereof, as in civil causes of admiralty and maritime jurisdiction; and the said courts, or the courts, being courts of the Confederate States, into which such cases shall be removed and in which they shall be finally decided, shall and may decree restitution in whole or in part when the capture shall have been made without just cause, and if made without probable cause, may order and decree damages and costs to the party injured, for which the owners and commanders of the vessels making such captures, and also the vessels, shall be liable.

SEC. 8. That all persons found on board any captured vessels, or on board any recaptured vessel, shall be reported to the collector of the port in the Confederate States in which they shall first arrive, and shall be delivered into the custody of the marshal of the district or some court or military officer of the Confederate States, or of any State in or near such port, who shall take charge of their safe-keeping and support, at the expense of the Confederate States.

SEC. 9. That the President of the Confederate States is hereby authorized to establish and order suitable instructions for the better governing and directing the conduct of the vessels so commissioned, their officers and crews, copies of which shall be delivered by the collector of the customs to the commanders, when they shall give bond as before provided.

SEC. 10. That a bounty shall be paid by the Confederate States of $20 for each person on board any armed ship or vessel belonging to the United States at the commencement of an engagement, which shall be burnt, sunk, or destroyed by any vessel commissioned as aforesaid, which shall be of equal or inferior force, the same to be divided as in other cases of prize money; and a bounty of $25 shall be paid to the owners, officers, and crews of the private armed vessels commissioned as aforesaid for each and every prisoner by them captured and brought into port and delivered to an agent authorized to receive them in any port of the Confederate States; and the Secretary of the Treasury is hereby authorized to pay or cause to be paid to the owners, officers, and crews of such private armed vessels commissioned as aforesaid, or their agent, the bounties herein provided.

SEC. 11. That the commanding officer of every vessel having a commission or letters of marque and reprisal, during the present hostilities between the Confederate States and the United States, shall keep a regular journal, containing a true and exact account of his daily proceedings and transactions with such vessel and the crew thereof; the ports and places he shall put into or cast anchor in; the time of his stay there and the cause thereof; the prizes he shall take and the nature and probable value thereof; the times and places when and where taken, and in what manner he shall dispose of the same; the ships or vessels he shall fall in with; the times and places when and where he shall meet with them, and his observations and remarks thereon; also of whatever else shall occur to him or any of his officers or marines, or be discovered by examination or conference with any marines or passengers of or in any other ships or vessels, or by any other means touching the fleets, vessels, and forces of the United States, their posts and places of station and destination, strength, numbers, intents, and designs; and such commanding officer shall, immediately on his arrival in any port of the Confederate States, from or during the continuance of any voyage or cruise, produce his commission for such vessel, and deliver up such journal so kept as aforesaid, signed with his proper name and handwriting, to the collector or other chief officer of the customs at or nearest to such port; the truth of which journal shall be verified by the oath of the commanding officer for the time being. And such collector or other chief officer of the customs shall, immediately on the arrival of such vessel, order the proper officer of the customs to go on board and take an account of the officers and men, the number and nature of the guns, and whatever else shall occur to him on examination material to be known; and no such vessel shall be permitted to sail out of port again until such journal shall have been delivered up, and a certificate obtained under the hand of such collector or other chief officer of the customs that she is manned and armed according to her commission; and upon delivery of such certificate any former certificate of a like nature which shall have been obtained by the commander of such vessel shall be delivered up.

SEC. 12. That the commanders of vessels having letters of marque and reprisal as aforesaid, neglecting to keep a journal as aforesaid, or willfully making fraudulent entries therein, or obliterating the record of any material transactions contained therein, where the interest of the Confederate States is concerned, or refusing to produce and deliver such journal, commission, or certificate, pursuant to the preceding section of this act, then, and in such cases, the commissions or letters of marque and reprisal of such vessels shall be liable to be

revoked; and such commanders, respectively, shall forfeit for every such offense the sum of $1,000, one moiety thereof to the use of the Confederate States, and the other to the informer.

SEC. 13. That the owners or commanders of vessels having letters of marque and reprisal as aforesaid, who shall violate any of the acts of Congress for the collection of the revenue of the Confederate States, and for the prevention of smuggling, shall forfeit the commission or letters of marque and reprisal, and they and the vessels owned or commanded by them shall be liable to all the penalties and forfeitures attaching to merchant vessels in like cases.

SEC. 14. That on all goods, wares, and merchandise captured and made good and lawful prizes of war by any private armed ship having commission or letters of marque and reprisal under this act, and brought into the Confederate States, there shall be allowed a deduction of 33⅓ per cent. on the amount of duties imposed by law.

SEC. 15. That 5 per centum on the net amount (after deducting all charges and expenditures) of the prize money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes recaptured by the private armed vessels of the Confederate States, shall be secured and paid over to the collector or other chief officer of the customs, at the port or place in the Confederate States at which such captured or recaptured vessels may arrive, or to the consul or other public agent of the Confederate States residing at the port or place not within the Confederate States at which such captured or recaptured vessel may arrive. And the moneys arising therefrom shall be held, and are hereby pledged by the Government of the Confederate States as a fund for the support and maintenance of the widows and orphans of such persons as may be slain, and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels commissioned as aforesaid, in any engagement with the enemy, to be assigned and distributed in such manner as shall hereafter be provided by law.

HOWELL COBB,
President of the Congress.

Approved May 6, 1861.

JEFF'N DAVIS.

President's instructions to private armed vessels.

1. The tenor of your commission, under the act of Congress entitled "An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods," a copy of which is hereto annexed, will be kept constantly in your view. The high seas, referred to in your commissions, you will understand generally to refer to low water mark, but with the exception of the space within one league or three miles from the shore of countries at peace both with the United States and the Confederate States. You may, nevertheless, execute your commission within that distance of the shore of a nation at war with the United States, and even on the waters within the jurisdiction of such nation, if permitted to do so.

2. You are to pay the strictest regard to the rights of neutral powers and the usages of civilized nations; and in all your proceedings toward neutral vessels you are to give them as little molestation or interruption as will consist with the right of ascertaining their neutral character and of detaining and bringing them in for regular

adjudication in the proper cases. You are particularly to avoid even the appearance of using force or seduction with a view to deprive such vessels of their crews or of their passengers other than persons in the military service of the enemy.

3. Toward enemy vessels and their crews you are to proceed, in exercising the rights of war, with all the justice and humanity which characterize this Government and its citizens.

4. The master and one or more of the principal persons belonging to the captured vessels are to be sent, as soon after the capture as may be, to the judge or judges of the proper court in the Confederate States, to be examined upon oath touching the interest or property of the captured vessel and her lading, and at the same time are to be delivered to the judge or judges all papers, charter-parties, bills of lading, letters, and other documents and writings found on board, the said papers to be proved by affidavit of the commander of the capturing vessel or some other person present at the capture, to be produced as they were received, without fraud, addition, subduction, or embezzlement.

5. Property even of the enemy is exempt from seizure on neutral vessels, unless it be contraband of war. If goods contraband of war are found on any neutral vessel, and the commander thereof shall offer to deliver them up, the offer shall be accepted and the vessel left at liberty to pursue its voyage, unless the quantity of contraband goods be greater than can be conveniently received on board your vessel, in which case the neutral vessel may be carried into port for the delivery of the contraband goods. The following articles are deemed by this Government contraband of war, as well as all others that are so declared by the law of nations, viz: All arms and implements serving for the purposes of war by land or sea, such as cannons, mortars, guns, muskets, rifles, pistols, petards, bombs, grenades, ball, shot, shell, fuses, pikes, swords, bayonets, javelins, lances, horse furniture, holsters, belts, and generally all other implements of war. Also, timber for shipbuilding, pitch, tar, rosin, copper in sheets, sails, hemp, cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and planks only excepted. Neutral vessels conveying enemy's dispatches or military persons in the service of the enemy forfeit their neutral character, and are liable to capture and condemnation. But this rule does not apply to neutral vessels bearing dispatches from the public ministers or ambassadors of the enemy residing in neutral countries.

By command of the President of the Confederate States:

ROBERT TOOMBS,
Secretary of State.

Form of bond.

Know all men by these presents:

That we (*Note 1*), ——— ———, are bound to the Confederate States of America in the full sum of (*Note 2*) ——— thousand dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

The condition of this obligation is such that whereas application has been made to the said Confederate States of America for the grant of a commission or letter of marque and general reprisals, authorizing the (*Note 3*) ——— or vessel, called the ———, to act as a private armed vessel in the service of the Confederate States on the high seas against

the United States of America, its ships and vessels, and those of its citizens, during the pendency of the war now existing between the said Confederate States and the said United States.

Now, if the owners, officers, and crew who shall be employed on board of said vessel when commissioned shall observe the laws of the Confederate States and the instructions which shall be given them according to law for the regulation of their conduct, and shall satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof by such vessel during her commission, and shall deliver up said commission when revoked by the President of the Confederate States, then this obligation shall be void, but otherwise shall remain in full force and effect.

Signed, sealed, and delivered in the presence of ——— ———, on this —— day of ———, ——.

A. B.,
C. D.,
Witnesses.

[SEAL.]
[SEAL.]
[SEAL.]
[SEAL.]

NOTE 1.—This blank must be filled with the name of the commander for the time being and the owner or owners, and at least two responsible sureties, not interested in the vessel.

NOTE 2.—This blank must be filled with a "five" if the vessel be provided only with 150 men or a less number; if with more than that number the blank must be filled with a "ten."

NOTE 3.—This blank must be filled with the character of the vessel—"ship," "brig," "schooner," "steamer," &c.

AN ORDINANCE to dissolve the union now existing between the State of Arkansas and the other States united with her under the compact entitled "The Constitution of the United States of America."

Whereas, in addition to the well-founded causes of complaint set forth by this convention, in resolutions adopted on the 11th of March, A. D. 1861, against the sectional party now in power at Washington City, headed by Abraham Lincoln, he has, in the face of resolutions passed by this convention pledging the State of Arkansas to resist to the last extremity any attempt on the part of such power to coerce any State that had seceded from the old Union, proclaimed to the world that war should be waged against such States until they should be compelled to submit to their rule, and large forces to accomplish this have by this same power been called out, and are now being marshaled to carry out this inhuman design; and to longer submit to such rule, or remain in the old Union of the United States, would be disgraceful and ruinous to the State of Arkansas:

Therefore we, the people of the State of Arkansas, in convention assembled, do hereby declare and ordain, and it is hereby declared and ordained, That the "ordinance and acceptance of compact" passed and approved by the General Assembly of the State of Arkansas on the 18th day of October, A. D. 1836, whereby it was by said General Assembly ordained that by virtue of the authority vested in said General Assembly by the provisions of the ordinance adopted by the convention of delegates assembled at Little Rock for the purpose of forming a constitution and system of government for said State, the

propositions set forth in "An act supplementary to an act entitled 'An act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes,' were freely accepted, ratified, and irrevocably confirmed, articles of compact and union between the State of Arkansas and the United States," and all other laws and every other law and ordinance, whereby the State of Arkansas became a member of the Federal Union, be, and the same are hereby, in all respects and for every purpose herewith consistent, repealed, abrogated, and fully set aside; and the union now subsisting between the State of Arkansas and the other States, under the name of the United States of America, is hereby forever dissolved.

And we do further hereby declare and ordain, That the State of Arkansas hereby resumes to herself all rights and powers heretofore delegated to the Government of the United States of America; that her citizens are absolved from all allegiance to said Government of the United States, and that she is in full possession and exercise of all the rights and sovereignty which appertain to a free and independent State.

We do further ordain and declare, That all rights acquired and vested under the Constitution of the United States of America, or of any act or acts of Congress, or treaty, or under any law of this State, and not incompatible with this ordinance, shall remain in full force and effect, in nowise altered or impaired, and have the same effect as if this ordinance had not been passed.

Adopted and passed in open convention on the 6th day of May, A. D. 1861.

DAVID WALKER,
President of the Convention and Delegate from the County of Washington.
JAMES L. TOTTEN,
Arkansas County.
MARCUS L. HAWKINS,
Ashley County.
[AND SIXTY-EIGHT OTHERS.]

Attest.

ELIAS C. BOUDINOT,
Secretary of the Arkansas State Convention.

MILLEDGEVILLE, GA., *May 6, 1861.*

L. P. WALKER.

Who will muster the regiment into service at Macon Wednesday? Have no reply to my dispatch of Saturday, and have directed the rendezvous at Macon to-morrow.

JOSEPH E. BROWN.

MONTGOMERY, *May 6, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville:

Your dispatches of the 4th and 5th received. Do not rendezvous the troops at any point just yet. Pending legislation may somewhat change the programme. Make arrangements, however, for two regiments instead of one. Possibly neither may be sent to Pensacola,

and it is this doubt which I cannot just now determine which induces me to ask you not to rendezvous them. Besides this it may be proper to say that the term of service will be changed from twelve months to for the war.

L. P. WALKER.

MILLEDGEVILLE, *May 6, 1861.*

Hon. L. P. WALKER:

Several companies of the Fifth Regiment are now on their way to Macon. All are under orders, and will be there to-morrow. Your dispatch of 29th of April required me to furnish the regiment immediately. Do you wish me to disband them, and send them back home till you again require them, or will you receive them now? I have not funds to maintain them long in camp. Please answer.

JOSEPH E. BROWN.

MONTGOMERY, *May 6, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

Besides the two regiments ordered to Virginia, I will take two other regiments to go into camp of instruction, provided they are willing to be mustered into service for the war. Answer.

L. P. WALKER.

The State of North Carolina to the Hon. Thomas L. Clingman, greeting:

We, reposing special trust and confidence in your integrity and ability, do by these presents appoint you a commissioner to represent the State of North Carolina at the Government of the Confederate States of America, in pursuance of the accompanying resolution of the General Assembly of our said State of North Carolina,* and in all things to exercise the duties and powers of said mission according to the intent and meaning of said resolution, and according to your best judgment and discretion—never failing, however, to express for said Confederate States the sympathy of our State of North Carolina, and her determination to link her fortunes with theirs, and to draw the sword in the common defense of our liberties.

In testimony whereof His Excellency John W. Ellis, our Governor, captain-general and commander-in-chief, hath signed with his hand these presents and caused our great seal to be affixed thereto.

Done at the city of Raleigh on the 6th day of May, A. D. 1861, and in the eighty-fifth year of our independence.

By the Governor:

JOHN W. ELLIS.

AN ACT to submit to a vote of the people a declaration of independence, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That immediately after the passage of this act the Governor of this State shall, by proclamation, direct the sheriffs of the

*Not found.

several counties in this State to open and hold an election at the various voting precincts in their respective counties on the 8th day of June, 1861; that said sheriffs, or in the absence of the sheriffs the coroner of the county, shall immediately advertise the election contemplated by this act; that said sheriffs appoint a deputy to hold said election for each voting precinct, and that said deputy appoint three judges and two clerks for each precinct. And if no officer shall, from any cause, attend any voting precinct to open and hold said election, then any justice of the peace, or in the absence of a justice of the peace any respectable freeholder, may appoint an officer, judges, and clerks to open and hold said election. Said officers, judges, and clerks shall be sworn as now required by law, and who after being so sworn shall open and hold an election, open and close at the time of day and in the manner now required by law in elections for members to the General Assembly.

SEC. 2. *Be it further enacted*, That at said election the following declaration shall be submitted to a vote of the qualified voters of the State of Tennessee for their ratification or rejection:

DECLARATION OF INDEPENDENCE AND ORDINANCE dissolving the federal relations between the State of Tennessee and the United States of America.

First. We, the people of the State of Tennessee, waiving any expression of opinion as to the abstract doctrine of secession, but asserting the right, as a free and independent people, to alter, reform, or abolish our form of government in such manner as we think proper, do ordain and declare that all the laws and ordinances by which the State of Tennessee became a member of the Federal Union of the United States of America are hereby abrogated and annulled, and that all obligations on our part be withdrawn therefrom; and we do hereby resume all the rights, functions, and powers which by any of said laws and ordinances were conveyed to the Government of the United States, and absolve ourselves from all the obligations, restraints, and duties incurred thereto; and do hereby henceforth become a free, sovereign, and independent State.

Second. We furthermore declare and ordain that article 10, sections 1 and 2, of the constitution of the State of Tennessee, which requires members of the General Assembly and all officers, civil and military, to take an oath to support the Constitution of the United States be, and the same are hereby, abrogated and annulled, and all parts of the constitution of the State of Tennessee making citizenship of the United States a qualification for office and recognizing the Constitution of the United States as the supreme law of this State are in like manner abrogated and annulled.

Third. We furthermore ordain and declare that all rights acquired and vested under the Constitution of the United States, or under any act of Congress passed in pursuance thereof, or under any laws of this State, and not incompatible with this ordinance, shall remain in force and have the same effect as if this ordinance had not been passed.

SEC. 3. *Be it further enacted*, That said election shall be by ballot; that those voting for the declaration and ordinance shall have written or printed on their ballots "Separation," and those voting against it shall have written or printed on their ballots "No separation;" that the clerks holding said election shall keep regular scrolls of the voters as now required by law in the election of members to the General Assembly; that the clerks and judges shall certify the same, with the number of votes for "Separation" and the number of votes "No separation." The officer holding the election shall return the same to the sheriff of the county, at the county seat, on the Monday next after the election. The sheriff shall immediately make out, certify, and send to the Governor the number of votes polled, and the number of votes for "Separation" and the number "No separation," and file one of the original scrolls with the clerk of the county court; that upon comparing the

vote by the Governor, in the office of the secretary of state, which shall be at least by the 24th day of June, 1861, and may be sooner if the returns are all received by the Governor, if a majority of the votes polled shall be for "Separation," the Governor shall by his proclamation make it known and declare all connection by the State of Tennessee with the Federal Union dissolved, and that Tennessee is a free, independent Government—free from all obligations to or connection with the Federal Government. And that the Governor shall cause the vote by counties to be published, the number for "Separation" and the number "No separation," whether a majority votes for "Separation" or "No separation."

SEC. 4. *Be it further enacted*, That in the election to be held under the provisions of this act, upon the declaration submitted to the people, all volunteers and other persons connected with the service of this State, qualified to vote for members of the Legislature in the counties where they reside, shall be entitled to vote in any county in the State where they may be in active service, or under orders, or on parole, at the time of said election, and all other voters shall vote in the county where they reside, as now required by law in voting for members to the General Assembly.

SEC. 5. *Be it further enacted*, That at the same time and under the rules and regulations prescribed for the election hereinbefore ordered, the following ordinance shall be submitted to the popular vote, to wit:

AN ORDINANCE for the adoption of the Constitution of the Provisional Government of the Confederate States of America.

We, the people of Tennessee, solemnly impressed by the perils which surround us, do hereby adopt and ratify the Constitution of the Provisional Government of the Confederate States of America, ordained and established at Montgomery, Ala., on the 8th day of February, 1861, to be in force during the existence thereof or until such time as we may supersede it by the adoption of a permanent constitution.

SEC. 6. *Be it further enacted*, That those in favor of the adoption of said Provisional Constitution, and thereby securing to Tennessee equal representation in the deliberations and councils of the Confederate States, shall have written or printed on their ballots the word "Representation;" those opposed, the words "No representation."

SEC. 7. *Be it further enacted*, That in the event the people shall adopt the Constitution of the Provisional Government of the Confederate States at the election herein ordered, it shall be the duty of the Governor forthwith to issue writs of election for delegates to represent the State of Tennessee in the said Provisional Government; that the State shall be represented by as many delegates as it was entitled to members of Congress to the recent Congress of the United States of America, who shall be elected from the several Congressional districts as now established by law, in the mode and manner now prescribed for the election of members of the Congress of the United States.

SEC. 8. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
B. L. STOVALL,
Speaker of the Senate.

Passed May 6, 1861.

GENERAL ORDERS, No. 7.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Montgomery, May 7, 1861.

In honor of the official announcement of the secession of the States of Arkansas and Tennessee, and their adherence to this Confederacy, a salute of ten guns for each will be immediately fired in front of the Government building.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

Statement of small-arms on hand at the different arsenals when taken possession of by the several States.

Names of arsenals.	Rifle muskets, U. S. model.	Muskets, rifled, caliber .69.	Muskets, percussion, new and altered.	Muskets, flint.	Harper's Ferry rifles.	Colt rifles.	Hall rifles.	Carbines, various patterns.	Pistols, percussion.	Colt pistols.	Total.
Baton Rouge	1,099	972	29,222	8,283	2,158	73	2,287	735	2,075	468	47,372
Mount Vernon	20	.....	a17,370	.....	2,032	.....	.....	.....	33	.....	19,455
Charleston	646	.....	18,723	.....	2,800	.....	.....	.....	300	.....	22,469
Augusta	.....	.....	20,000	.....	2,000	.....	714	.....	.....	.....	22,714
Little Rock (reported)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10,000
Fayetteville (reported)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	37,000
Total	1,765	972	85,315	8,283	8,990	73	3,001	735	2,408	468	159,010

a A portion of the arms at the arsenal had already been removed at the date of the report rendered. Of cartridges for small-arms, there are on hand at all the arsenals, number, 3,200,000. Of musket and rifle powder, there are now on hand, pounds, 168,000. (This amount of powder will make 1,500,000 cartridges.) Of cannon-powder, the supply is nearly all at the forts, with a small quantity in reserve. Of fixed ammunition for field batteries, there is enough at Baton Rouge alone to supply ten batteries of six guns each. Of percussion-caps, there are here (750,000 belonging to this State) over 2,000,000, and there are a good many at the arsenals and bundled with the cartridges. It is understood that the State of Georgia has 150 tons of saltpeter, with a proportionate quantity of sulphur; this will make quite 200 tons of powder.

J. GORGAS,
Major and Chief of Ordnance.

MAY 7, 1861.

Hon. F. S. BARTOW,
Chairman Committee of Military Affairs.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, Ala., May 7, 1861.

Hon. HOWELL COBB,
President of the Congress:

SIR: In answer to the inquiry contained in the resolution adopted by the Congress May 4, asking whether "any measures have been taken to promote and induce manufactures of arms and of powder within the States of this Confederacy or elsewhere," I have to state that until recently reliance was naturally placed on extensive orders to Northern factories of powder for a supply of that material. As soon, however, as it became evident that this resource could no longer be relied on, the attention of the Department was turned toward obtaining supplies of saltpeter, the only mineral constituent of powder which could be obtained from the soil of this country. Information having reached me that deposits of nitrous earth existed in

certain localities in North Alabama, an agent, Mr. Riddle, has been dispatched to examine several caves on Little Bear Creek, in Franklin County, and another in Blount County. There is good reason to believe that his researches will be successful. Ample inducements have been offered to Mr. Riddle, and will be held out to others, to engage in the production of niter in these localities should the deposits warrant it.

It was not known to the Department that powder-works existed anywhere within the limits of the Confederate States until recently. A firm of powder manufacturers, whose mill is situated twenty-three miles from Nashville, on the south bank of the Cumberland River, have within a few days past offered their services. They state that their mill can, in thirty or forty days, be arranged so as to enable them to produce 1,000 pounds of powder per day. They have a small stock of brimstone on hand, but no saltpeter. As soon as the saltpeter and sulphur now understood to be in possession of the State of Georgia shall be turned over to the Confederate States, it is proposed to employ this mill at once. The proprietors of these mills, Messrs. Cheatham, Watson & Co., state that, from examinations made by themselves during the Crimean war, they are satisfied that an abundant supply of saltpeter can be obtained from the caves of Middle Tennessee bordering on the Cumberland Mountains. I have requested them to send an agent at once to examine these localities at the expense, if need be, of this Government.

Other mills are said to exist in Tennessee and also in South Carolina. The Department will endeavor to communicate with them as soon as it can ascertain their localities. In reference to the manufacture of small-arms the prospect is not so satisfactory, and it is probable that the Government will be obliged to initiate steps toward the immediate establishment of a manufactory of this kind of arms. In a matter of this sort, in which prompt action is vital, I recommend, in answer to the latter part of the resolution of Congress asking my opinion as to the action deemed necessary to promote the manufacture of arms and powder, that a competent agent be selected and sent without delay to England. At London a complete set of machinery exists, which was made in this country, after the pattern of the machines at Springfield, in the United States. It would, I think, be no difficult matter to get these machines copied and executed on the spot with rapidity. Triplicate machines should be ordered to insure the chances of delivery of at least one set. For this purpose an additional appropriation of $300,000 may be needed, under the appropriation of ordnance and ordnance stores and supplies, for the three sets of machinery. Should they all arrive they will, even if not required by the Government, be easily disposed of. The amount already asked for under the head of armories and arsenals would also require to be increased by an item of $75,000 for a suitable building in which to place this machinery at one of our arsenals, or the machinery, when so procured, might be placed, if thought desirable, in the hands of parties having manufacturing facilities, who could give ample security for its application to the sole uses of this Government. No further action is deemed necessary to stimulate the production of powder than, perhaps, to make advances to parties who offer to engage in its production, to enable them to prosecute researches after saltpeter in remote districts difficult of access. It might be advisable to offer a bonus of, say, $5

per barrel of 100 pounds on every barrel produced and received by the Government within the current year.

Respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

AN ACT to admit the Commonwealth of Virginia as a member of the Confederate States of America.

The Commonwealth of Virginia having, in a convention of her people, ratified and adopted the Constitution for the Provisional Government of the Confederate States of America: Therefore,

The Congress of the Confederate States of America do enact, That the Commonwealth of Virginia be, and is hereby, admitted as a member of the said Confederate States, upon an equal footing with the other Confederate States, under the Constitution for the Provisional Government of the same.

Approved May 7, 1861.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 7, 1861.

His Excellency A. B. MOORE,
Governor of Alabama, &c.:

SIR: I have the honor to inform you that two additional regiments of infantry are required, one of which shall be a rifle regiment; both, after being mustered into the Confederate service for the war, to be placed in a camp of instruction to be designated by this Department.

Very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

AN ORDINANCE repealing an ordinance passed on the 21st day of March, A. D. 1861.

Be it ordained by the people of the State of Arkansas in convention assembled, That an ordinance passed by this convention on the 21st day of March, A. D. 1861, entitled "An ordinance to provide for holding an election in the State of Arkansas for the purpose of taking the sense of the people of the State on the question of 'co-operation' or 'secession,'" be, and the same is hereby, in all things repealed.

Adopted in and by the convention May 7, 1861.

DAVID WALKER,
President of the Arkansas State Convention.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Convention.

AN ORDINANCE providing for the signing of the ordinance passed on yesterday dissolving the political connection theretofore existing between the State of Arkansas and the Government known as the United States of America.

We, the people of the State of Arkansas, now in convention assembled, do hereby ordain, and it is hereby ordained, That the ordinance

adopted by this convention on yesterday dissolving the political connection theretofore existing between the State of Arkansas and the Government known as the United States of America be signed by the president and attested by the secretary of this convention, and be also signed by the individual members of this convention, and that in signing the same there shall be a call of the counties of the State in alphabetical order, and the delegates of each county shall sign the same as their respective counties shall be called by the secretary.

Adopted and passed in open convention May 7, A. D. 1861.

DAVID WALKER,
President of the Arkansas State Convention.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Convention.

MONTGOMERY, *May 7, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville:

I do not wish you to understand me as making it absolutely peremptory that the regiment to rendezvous at Macon to-morrow must be mustered in for the war. Requisition having been made for this regiment some time ago, it might be unjust to so insist. I hope, however, they will consent. Hereafter all troops must so agree, as Congress has passed a law to that effect.

L. P. WALKER.

MONTGOMERY, *May 7, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville:

If it put you to the least inconvenience not to have the regiment received, I will take it now. I stated that it must come in for the war. No more troops will be received for any other term of service. I presume the men will have no objection to this. Captain Cole will be detailed to muster the troops in. They will be given their orders in a day or two.

L. P. WALKER

NEW ORLEANS, *May 7, 1861.*

L. P. WALKER:

You called upon me to raise 8,000 twelve-months' volunteers, to be drilled, equipped, and held in readiness the most perfect, and that the emergency was so pressing that my attention was particularly directed to the thorough preparation of these men, especially in regard to instant capacity to move. Four thousand have been in camp, 1,000 have gone to Virginia, 1,000 will leave in a day or two, and 2,000 remain in camp. Now you ask me to change the terms of enlistment of the remaining two regiments, if possible, and make them enlist for the war. This I will not do unless you positively refuse them for twelve months. When you so refuse, I will make your proposition to them, and if declined, I will immediately disband them, to the great detriment of the service, and the responsibility will not rest on me.

THO. O. MOORE,
Governor.

MONTGOMERY, *May 7, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

I think you are making an objection for the troops which they will not make for themselves. They will be as willing to muster in for the war as for twelve months. Try them and see.

L. P. WALKER.

COLUMBIA, S. C., *May 7, 1861.*

Honorable SECRETARY OF WAR,
Montgomery:

SIR: I have the honor to report that I made a call for volunteers to fill the Legion on the 2d instant, and there have been already tenders of very many more troops than I am authorized to accept. The artillery company is not yet formed, but should there be any delay in getting this up I will, if it meets your approbation, let the men act as infantry until the battery can be organized. This plan would give about 750 infantry, who can be ready for service in a very short time. I propose to inspect such companies as have offered their services, and to select those that are best prepared for immediate service. They will then be ordered to rendezvous at this place, to go into camp for the purpose of drilling. This plan is, of course, subject to your instructions. My desire is to have the Legion ready at a very early day to respond to any call you may make on it. By the paper I inclose you will perceive the terms on which the companies volunteer in this corps. The cavalry will furnish their own horses and arms, and all will furnish uniforms. Will the Government furnish horses for the artillery? The company will not be able to furnish them. The number necessary can be reduced by not making the company horse artillery. The State has about 200 horses, which are to be sold, and Governor Pickens offered them to me. To expedite the formation of the corps I would suggest that you have the necessary commissions sent to me in blank; then, as soon as a company is accepted the officers can receive their commissions. I will file, of course, a full list of each company as soon as it is received. I think it very important that three lieutenants should be allowed, not only because of the reason already assigned, but because in such large companies as mine will be they can aid greatly in drilling and managing the men. I shall await your instructions here, and I beg you to give me full ones at your earliest convenience.

I have the honor to be, very respectfully, your obedient servant.

WADE HAMPTON.

P. S.—I have sent to England for some rifled cannon and 400 Enfield rifles.

EXECUTIVE DEPARTMENT,
Nashville, May 7, 1861.

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES:

By virtue of the authority of your joint resolution, adopted on the 1st day of May instant, I appointed Gustavus A. Henry, of the county of Montgomery, Archibald O W. Totten, of the county of Madison,

and Washington Barrow, of the county of Davidson, "commissioners on the part of Tennessee, to enter into a military league with the authorities of the Confederate States and with the authorities of such other slave-holding States as may wish to enter into it, having in view the protection and defense of the entire South against the war that is now being carried on against it." The said commissioners met the Hon. Henry W. Hilliard, the accredited representative of the Confederate States, at Nashville, on this day, and have agreed upon and executed a military league between the State of Tennessee and the Confederate States of America, subject, however, to the ratification of the two governments, one of the duplicate originals of which I herewith transmit for your ratification or rejection. For many cogent and obvious reasons, unnecessary to be rehearsed to you, I respectfully recommend the ratification of this league at the earliest practicable moment.

Very respectfully,

ISHAM G. HARRIS.

[Inclosure.]

CONVENTION BETWEEN THE STATE OF TENNESSEE AND THE CONFEDERATE STATES OF AMERICA.

The State of Tennessee, looking to a speedy admission into the Confederacy established by the Confederate States of America, in accordance with the Constitution of the Provisional Government of said States, enters into the following temporary convention, agreement, and military league with the Confederate States, for the purpose of meeting pressing exigencies affecting the common rights, interests, and safety of said State and said Confederacy:

First. Until the said State shall become a member of said Confederacy according to the constitution of both powers, the whole military force and military operations, offensive and defensive, of said State, in the impending conflict with the United States, shall be under the chief control and direction of the President of the Confederate States, upon the same basis, principles, and footing as if said State were now and during the interval a member of said Confederacy, said force, together with that of the Confederate States, to be employed for the common defense.

Second. The State of Tennessee will, upon becoming a member of said Confederacy under the permanent Constitution of said Confederate States, if the same shall occur, turn over to said Confederate States all the public property acquired from the United States, on the same terms and in the same manner as the other States of said Confederacy have done in like cases.

Third. Whatever expenditures of money, if any, the said State of Tennessee shall make before she becomes a member of said Confederacy, shall be met and provided for by the Confederate States.

This convention entered into and agreed [upon] in the city of Nashville, Tenn., on the 7th day of May, A. D. 1861, by Henry W. Hilliard, the duly authorized commissioner to act in the matter of the Confederate States, and Gustavus A. Henry, Archibald O. W. Totten, and Washington Barrow, commissioners duly authorized to act in like manner for the State of Tennessee—the whole subject to the approval and ratification of the proper authorities of both governments, respectively.

In testimony whereof the parties aforesaid have herewith set their hands and seals the day and year aforesaid, in duplicate originals.

HENRY W. HILLIARD, [SEAL.]
Commissioner for the Confederate States of America.
GUSTAVUS A. HENRY, [SEAL.]
A. O. W. TOTTEN, [SEAL.]
WASHINGTON BARROW, [SEAL.]
Commissioners on the part of Tennessee.

JOINT RESOLUTION ratifying the league.

Whereas, a military league, offensive and defensive, was formed on 7th of May, 1861, by and between A. O. W. Totten, Gustavus A. Henry, and Washington Barrow, commissioners on the part of the State of Tennessee, and H. W. Hilliard, commissioner on the part of the Confederate States of America, subject to the confirmation of the two governments:

Be it therefore resolved by the General Assembly of the State of Tennessee, That said league be in all respects ratified and confirmed, and the said General Assembly hereby pledges the faith and honor of the State of Tennessee to the faithful observance of the terms and conditions of said league.

Adopted May 7, 1861.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
B. L. STOVALL,
Speaker of the Senate.

MEMPHIS, *May 7, 1861.*

General JOHN L. T. SNEED:

DEAR SIR: The Society of Southern Mothers at this place are prepared to render any assistance needed by the soldiers of the South who may be sick or wounded in the service. They will nurse them at their own homes, or in rooms provided by themselves for that purpose, whenever they shall receive intimation through the proper officers for that purpose of the need of such care. Their organization contemplates the effectual care of the sick and wounded in actual service by the matrons of the land for whose defense they are in arms, and we ask of the officers in command to point out the way in which our object may be attained, and to place the sick in our charge.

I am, sir, respectfully, yours,

S. C. LAW,
President of the Society of Southern Mothers.

RICHMOND, VA., *May 7, 1861.*

Maj. Gen. ROBERT E. LEE,
Commanding-in-Chief, Headquarters, Richmond:

GENERAL: I am informed by the Governor that he expects me to remain at my post as president of the James River and Kanawha Company, to aid in maintaining this important line of communication in the present State emergency. There are many active, reliable, public-spirited young men who, from various engagements or considerations, are prevented from enlisting in unconditional military

service, who nevertheless earnestly desire to bear such part as they properly can in the military defense of the State. The proclamation of the Executive of the 3d instant authorizes you "to call out and to cause to be mustered into the service of Virginia, from time to time, as the public exigencies may require, such additional number of volunteers as [you] may deem necessary." My object in addressing you is respectfully to inquire whether you will authorize me to enlist a field battery of artillery, with the understanding that it is not to be ordered from the city of Richmond unless upon some special occasion of attack or defense, and then only to a convenient distance and for a brief period. In other words, I ask permission to raise a field battery on the war establishment for the special defense of the capital of the State.

I would respectfully suggest the following as the composition of the battery, to wit:

	12-pounders.	6-pounders.
12-pounders, mounted	4	.....
6-pounders, mounted	.....	4
24-pounder howitzers, mounted	2	.....
12-pounder howitzers, mounted	.....	2
	6	6
Caissons for guns	8	4
Caissons for howitzers	4	2
	12	6
Traveling forges	1	1
Battery wagons	1	1
	2	2
Total number of carriages	20	14
Ammunition:		
For four guns—		
Shot	560	560
Spherical case	224	80
Canister	112	160
	896	800
For two howitzers—		
Shells	168	120
Spherical case	112	160
Canister	42	32
	322	312
Total number of rounds	1,218	1,112
Draft-horses:		
Six to each carriage	120	84
Spare horses (1-12)	10	7
Total number	130	91

Should it please you to grant me the authority herein asked for I would be glad to make to you, at your convenience, or to some officer authorized by you, various suggestions on the subject. For your information I take the liberty of inclosing a copy of a letter which I addressed to the Governor on the 17th ultimo.

I have the honor to be, general, with great respect, your obedient servant,

THOMAS H. ELLIS.

[Indorsement.]

RICHMOND, *May 7, 1861.*

We respectfully recommend to Major-General Lee, commanding-in-chief, the favorable consideration of the proposition this day submitted to him by Col. Thomas H. Ellis for the formation of a home guard of field artillery for the defense of the capital of Virginia.

JOHN RUTHERFORD.
ALEX. R. HOLLADAY.
JOHN ROBERTSON.
[AND FIFTEEN OTHERS.]

[Inclosure.]

HDQRS. OF THE FOURTH REGIMENT OF ARTILLERY,
Richmond, April 17, 1861.

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: Regarding the late proclamation of the President of the United States as a declaration of war against the Southern States, I have the honor, in behalf of myself and the officers and men of my command, to tender you the services of the Fourth Regiment of Artillery of the Virginia Militia for such military duty, in defense of Virginia and her sister States of the South, as you may be pleased to assign to us. The bounds of this regiment, under the law of the State providing for the public defense, are so extended as to include a considerable portion of Tidewater Virginia. There has been no occasion since I assumed the command to muster the regiment, even for instruction; still less for resisting a hostile force. I have never, therefore, met a majority of the companies, nor do I know personally a majority of the officers. Nevertheless, foreseeing some time since in the unhappy divisions of our country a state of feeling which I apprehended would result in a conflict of arms, I addressed a circular to each of the captains of my command, as well as to the clerk of the circuit and county courts, the commissioner or commissioners of the revenue, the attorney for the Commonwealth, and the colonel of the regiment, in each county, soliciting certain information as to the strength and condition of the artillery arm in their counties, respectively. From these several sources I feel authorized to say that while the regiment, in a military point of view, is greatly disorganized, and, with the exception of the company in this city, without guns or accouterments, yet that there is perhaps a unanimous desire on the part of officers and men to receive suitable equipment and to hold themselves in readiness for any service which may be required of them by the constituted authorities of the State. In these impressions I am well confirmed by recent interviews with the lieutenant-colonel, the two majors, and other commissioned officers of the regiment, non-residents of this city. Upon the information thus received I feel fully authorized, for and in behalf of my entire command, to tender their services, as I tender my own, for the performance, according to our best ability, of any duty to which you may be pleased to assign us. And I beg leave to remark, in reference to this particular arm of the service, that the importance of field artillery must be recognized by all who are familiar with the topography of the country embraced within the bounds of this regiment, and its peculiar adaptation to the defense of such a region. Without entering into a recital of the military principles applicable

to the case, I will but remind Your Excellency that there is in modern practice an established proportion between the different species of arms in an army from which you cannot safely exclude light artillery. I trust that it may be your pleasure to receive the services which I have the honor thus to tender you, of myself and my entire command, and that you will direct proper orders for immediately arming, equipping, and mustering us in such manner as you may deem conducive to the public weal. Should you, however, from any consideration, decline this tender made on the part of myself and the regiment, then, as an alternative, I beg to offer my individual services, and to express the hope that you will give me the command of any artillery force which may be assembled in this city or its vicinity during the present emergency. On this proposition I have but to remark that I presume I have been as long connected with the artillery service of our State as perhaps any other officer now in commission. In the year 1836 I resigned a captaincy in the line of infantry to accept the commission of a lieutenant in the Richmond Fayette Artillery, a volunteer company of this city. From that time to the present, with the exception of two intervals, the first of about six months and the second of about eighteen months, during which I was in Mexico in the diplomatic service of the United States, I have been regularly in commission, having been elected captain of the Richmond Fayette Artillery in 1842, appointed major of the Fourth Regiment in 1847, lieutenant-colonel in 1851, and colonel in 1855.

I have the honor to be, sir, with great respect, your obedient servant,

THOMAS H. ELLIS,
Colonel.

PROCLAMATION by the President of the Confederate States of America.

Whereas, a treaty or convention of alliance, offensive and defensive, between the Confederate States of America and the Commonwealth of Virginia, was concluded and signed at the city of Richmond on the 24th day of April, A. D. 1861, which treaty or convention of alliance is, word for word, as follows:*

And whereas, the said treaty or convention of alliance has been duly ratified on both parts:

Now, therefore, be it known that I, Jefferson Davis, President of the Confederate States of America, have caused the said treaty or convention of alliance to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the Confederate States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the Confederate States to be affixed at the city of Montgomery this 8th day of May, A. D. 1861.

JEFF'N DAVIS.

By the President:

R. TOOMBS,
Secretary of State.

[MAY 8, 1861.—For message of President Davis to the Provisional Congress, relative to the adjustment of difficulties between the United States and Confederate States, see Series I, Vol. LIII, p. 161.]

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*See inclosure No. 4, Stephens to Toombs, April 25, 1861, p. 243.

AN ACT to raise an additional military force to serve during the war.

The Congress of the Confederate States of America do enact, That in addition to the volunteer force authorized to be raised under existing laws, the President be, and he is hereby, authorized to accept the services of volunteers who may offer their services, without regard to the place of enlistment, either as cavalry, mounted riflemen, artillery, or infantry, in such proportion of these several arms as he may deem expedient, to serve for and during the existing war, unless sooner discharged.

SEC. 2. That the volunteers so offering their services may be accepted by the President in companies, to be organized by him into squadrons, battalions, or regiments. The President shall appoint all field and staff officers, but the company officers shall be elected by the men composing the company; and, if accepted, the officers so elected shall be commissioned by the President.

SEC. 3. That any vacancies occurring in the ranks of the several companies mustered into service under the provisions of this act may be filled by volunteers accepted under the rules of such companies; and any vacancies occurring in the officers of such companies shall be filled by elections, in accordance with the same rules.

SEC. 4. Except as herein differently provided, the volunteer forces hereby authorized to be raised shall in all regards be subject to and organized in accordance with the provisions of "An act to provide for the public defense," and all other acts for the government of the armies of the Confederate States.

Approved May 8, 1861.

CIRCULAR.] WAR DEPT., ADJT. AND INSP. GEN.'S OFFICE,
Montgomery, May 8, 1861.

The demands upon the arsenals and depots charged with the supply of war material for the Army are so numerous and pressing that proper discretion in reference to the amount of their requisitions must be exercised by officers in command of troops. These requisitions must for the present be limited to the smallest quantities compatible with their wants.

By order of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., May 8, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I have the honor to acknowledge the receipt of your communication of yesterday in which you inform me that "hereafter the public exigencies will require all regiments, battalions, and companies to be raised and mustered into the Confederate service for the war." That there may be no misunderstanding as to the true intent and meaning of your communication, please inform me whether it is intended to embrace companies already raised, but not ordered out, under the requisitions for 3,000 and 5,000 troops. These requisitions were filled a week before the date of your communication, and under

requisitions calling for troops for twelve months. If it be intended to include the companies referred to, I seriously apprehend that many of them will decline to go in for the war. I have already had indications that this will be the case, hence the importance of my being fully advised in the premises before any further action is taken.

Very respectfully,

A. B. MOORE.

COLUMBIA, *May 8, 1861.*

His Excellency PRESIDENT DAVIS:

MY DEAR SIR: I see that you make a call for 3,000 more troops from this State, and I write to say that if you think it desirable I can easily add to the strength of the Legion. In answer to my call, made on the 2d instant, there have already been offers of more than double the number of companies asked for. I can, therefore, easily increase the infantry companies of the Legion, and have a full regiment, if you wish it. My only doubt was as to the infantry, as I knew that 10,000 men were now in camp and 2,000 in Virginia, but the response has been most prompt and gratifying. Of cavalry, more than enough to fill the Legion has offered.

I have not accepted any companies yet, and I propose to inspect all in a few days, selecting the best. I hope thus, in a very short time, to be able to present to Your Excellency a corps of which my State will never be ashamed. I can easily, I think, have several more infantry companies, if you wish them. Any number can be had if they can only feel assured that their steps are to be turned northward. The terms on which companies enter this service you will see by the inclosed paper.*

With my best wishes, I am, very respectfully, your obedient servant,

WADE HAMPTON.

[Inclosure.]

The Hampton Legion.

The Hampton Legion is progressing favorably, and in some of the arms of service the only difficulty will be in selecting the complement from the number of applications. The colonel, Wade Hampton, and lieutenant-colonel, B. J. Johnson, are so well known that all our young men who seek honorable service are eager to be enrolled under their command. In response to many inquiries we have obtained from Colonel Hampton a full statement of the purpose, objects, and proposed organization, to which we invite attention:

EDITORS COURIER:

As various inquiries have been made in reference to the Legion which the President has honored me with a commission to raise, I beg you to allow me to give through your paper such information as may be necessary to those who wish to enlist in this corps.

The object of those who are engaged in this matter is to raise an independent legion, to consist of six companies of infantry or voltigeurs, four of cavalry, and one of flying artillery, the field officers to be appointed by the President and each company to elect its own officers, who will then receive commissions from the President.

As soon as the organization of this corps is complete it will be received into the Provisional Army of the Confederate States for one year, unless its services should not be required for so long a time, in which case the President can disband

* Clipping from The Courier, Friday morning, May 3, 1861.

it. The Legion is to serve wherever it may be ordered by the President, and is to be on precisely the same footing, except as to its peculiar organization, as the rest of the Provisional Army. The cavalry will furnish their own horses and, as far as possible, their own arms and equipments. Each man must have a saber and two Colt pistols. Should any horses be lost in the service they will be paid for.

The infantry I wish armed with Enfield rifles, and the Governor has kindly promised to furnish them as far as he is able to do so, and he will also provide the battery. As soon as the companies report themselves ready for duty they will be ordered into camp for the purpose of drilling together. It is very desirable to have this corps ready at an early day, as I have every reason to hope that it will at once be ordered into active service. I annex a tabular statement, giving the complete organization of the Legion, and one showing the rate of pay. Any one desiring further information on this subject can apply to Lieut. Col. B. J. Johnson, Charleston, or to myself, at Columbia.

WADE HAMPTON.

Project for the organization of a legionary force of South Carolina troops.

Organization.	Field and staff.	Artillery.	Cavalry.	Voltigeurs.	Total.
Number of companies	.....	1	4	6	11
Colonel	1	.....	.....	.....	1
Lieutenant-colonel	1	.....	.....	.....	1
Major	1	.....	.....	.....	1
Adjutant	1	.....	.....	.....	1
Sergeant-major	1	.....	.....	.....	1
Principal musician	.....	.....	.....	.....	.....
Quartermaster-sergeant	.....	.....	.....	.....	.....
Captains	.....	1	4	6	11
First lieutenants	.....	2	4	6	12
Second lieutenants	.....	2	4	6	12
Sergeants	.....	5	16	24	45
Corporals	.....	4	16	24	44
Artificers	.....	2	.....	.....	2
Farriers and blacksmiths	.....	2	4	.....	6
Buglers	.....	2	3	12	22
Privates	.....	100	296	540	936
Commissioned officers	4	5	12	18	39
Non-commissioned officers, artificers, musicians, and privates	1	115	340	600	1,056
Total	5	115	340	600	1,056
Aggregate	5	120	352	618	1,095

Statement of amount to pay officers, &c., per month.

Rank.	Field and staff.	Artillery company.	Cavalry.	Voltigeurs or infantry.
One colonel	$195	.....	.....	.....
One lieutenant-colonel	170	.....	.....	.....
One major	150	.....	.....	.....
One adjutant (first lieutenant)	100	.....	.....	.....
One sergeant-major	21	.....	.....	.....
One quartermaster-sergeant	21	.....	.....	.....
One principal musician	12	.....	.....	.....
One captain	.....	$130	$140	$130
Two first lieutenants	.....	90	100	90
Two second lieutenants	.....	80	90	80
One sergeant	.....	20	.....	20
Four sergeants	.....	17	20	17
Four corporals	.....	13	13	13
Two artificers	.....	13	.....	.....
Two farriers	.....	13	13	.....
Two buglers	.....	12	.....	.....
One blacksmith	.....	.....	13	.....
Privates	.....	11	12	11
Musicians	.....	.....	12	12

This movement has the cordial approval and sanction of Governor Pickens, which will be seen from the following letter, which we publish at the request of Lieutenant-Colonel Johnson:

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, April 27, 1861.

SIR: I have said to Col. Wade Hampton that I would accept the regiment with legionary formation which he proposes to raise according to the schedule which he has, if it would be agreeable to Your Excellency. If so, I will make the requisition.

I have the honor to be, with great respect, your obedient servant,
L. P. WALKER.

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
Charleston, April 30, 1861.

The Secretary of War for the Confederate Government, at Montgomery, under date of April 27, having agreed to accept a regiment of legionary formation, under Col. Wade Hampton, if it would be agreeable to me, I hereby state that it will not only be agreeable to me but I will take great pride in it, as no one could with more propriety be selected as commander of such a force than Colonel Hampton. I will contribute everything in my power to aid in its formation by furnishing such arms as may be at my disposal, and also in allowing any privileges consistent with the public service. The memorandum or tabular statement as to the nature of the service, which is hereunto attached, has my unqualified approbation; and when the regiment is formed I will be rejoiced to meet any requisition the Secretary of War may make. This force is expressly intended as a branch of the Provisional Army under the Confederate Government, and the commissions of the officers will be from the President of the Confederate Government. It is understood that the cavalry are to furnish their own horses and equipments, and, as far as possible, their arms. It is intended to be an independent corps, ready for service anywhere.

F. W. PICKENS.

LYNCHBURG, VA., *May 8, 1861.*

Hon. L. P. WALKER,
Montgomery, Ala.:

MY DEAR GENERAL: The Reverend Mr. Chadick, a member of Captain Tracy's company, now encamped here, requests me to mention his name favorably to you for the chaplaincy of the Fourth Regiment of Alabama Volunteers. He is under the impression provision for such appointments has been made by a late act of Congress. I recommend him willingly because he is actuated in coming hither by patriotic feeling and for the further reason that his appointment, it is believed, is desired by a large number of the regiment. I am working very hard mustering in troops as fast as possible after their arrival. I find some of them very deficient in arms and accouterments and in tents. They are raw, wild, undisciplined Democrats, on a frolic, as many of them think, and commanded in many instances by inefficient and inexperienced officers. I must do our Third Alabama Regiment the justice to except them from such a charge. It is composed of the very best material, and there are eight out of the ten companies well disciplined and well officered. I understand there is great dissatisfaction in Virginia because of the military condition of the State. No one seems to have control, and consequently there are conflicting commands. It is thought Lee is too slow and fearful of responsibility, and I know from the orders sent from Richmond to State officers here that there is required some man who will bring order out of confusion. I wrote you a line a few days since which I trust has been received. Will you bear in mind the request then

made as to my official connection when the special duty assigned me at this place shall have ended?

Asking to be presented respectfully and kindly to Mrs. Walker, although she would not say farewell to me,

I am, respectfully and truly, your friend,

H. L. CLAY.

AN ORDINANCE to appropriate money to advance to volunteers for the use of the Confederate troops.

Be it ordained by the people of the State of Arkansas in convention assembled, That $10,000 be appropriated, out of any money in the treasury unappropriated, to be paid to the colonel of the regiment of volunteers now being organized in the State of Arkansas for the Confederate States, and to be by him advanced to said volunteers in sums of $12 to each private and non-commissioned officer.

Be it further ordained, That said sum shall be advanced as a loan, and be repaid by said volunteers out of the first payment made to said volunteers by the Confederate States, and the colonel of said regiment is hereby made an agent to collect and transmit the same to the treasury of this State.

Be it further ordained, That upon the receipt of said sum of money by the colonel of said regiment he shall execute a receipt acknowledging the same, and engaging to use all reasonable exertions to collect from said volunteers the said sum of money and pay it into the State treasury.

Be it further ordained, That the said colonel shall take receipts from said troops for said sums advanced, promising to refund the same out of the first payments as aforesaid.

Adopted in and by the convention on the 8th day of May, A. D. 1861.

DAVID WALKER,
President of the Arkansas State Convention.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Convention.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 8, 1861.

His Excellency JOSEPH E. BROWN,
Governor of Georgia:

SIR: In reply to your letter of May 6, inclosing requisitions for clothing for the Georgia companies at Pensacola, I have to say there resides in this Department no remedy for the evils of which you complain. I cannot act save by the authority of law, and under the law volunteers in the Confederate service furnish their own clothing and receive therefor commutation. The provisions of the law are plain and positive, as follows, to wit:

Said volunteers shall furnish their own clothing, * * * and when called into actual service, and while remaining therein, * * * instead of clothing, every non-commissioned officer and private shall be entitled to money in a sum equal to the cost of clothing of a non-commissioned officer or private in the Regular Army of the Confederate States.

Your Excellency will thus perceive that, however profound my sympathies may be with our gallant volunteers, I have no discretionary power by which I can supply clothing to the Georgia troops. The law, in fact, was intended, in view of the pressing exigencies demanding a large force in the field, without an organized quartermaster establishment, to supply the very deficiency that you bring as a charge against the service.

I have the honor to be, very respectfully, your obedient servant,

L. P. WALKER.

NEW ORLEANS, LA., *May 8, 1861.*

President JEFFERSON DAVIS:

Application is made to me to allow shipments of turpentine and rosin to New York. Shall I permit it?

THO. O. MOORE.

NOTE.—Answered no, because munitions of war.

J. D.

NEW ORLEANS, *May 8, 1861.*

L. P. WALKER:

My opinion is unchanged. I will not make an experiment which may fail. Your order to reject those enlisted under your instructions must be unqualified if you desire your new views carried out.

THO. O. MOORE.

A RESOLUTION in reference to money in the hands of the Superintendent of Indian Affairs and Indian agents.

Resolved, That no money or property of any kind whatever, now in the hands of the Superintendent of Indian Affairs or of any Indian agent, being placed there or designed for the Indians on the western frontier of Arkansas, shall be seized, but that the same shall so remain to be applied for and to the use of the several Indian nations faithfully, as was designed when so placed in their hands for disbursement; and the people of the State of Arkansas, here in sovereign convention assembled, do hereby pledge the sovereignty of the State of Arkansas that everything in their power shall be done to compel a faithful application of all money and property now in the hands of persons or agents, designed and intended for the several Indian tribes west of Arkansas.

Adopted in and by the convention May 9, 1861.

DAVID WALKER,
President of the Arkansas State Convention.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Convention.

AN ORDINANCE to authorize the Government to commission certain military officers, and for other purposes.

Be it ordained by the people of the State of Arkansas in convention assembled, That the Governor of the State of Arkansas is hereby

authorized to commission all officers elected for the volunteer regiment No. 1, without regard to any law of the State of Arkansas concerning elections, upon the presentation to him of the names of said officers and their grades of office; and so soon as they are commissioned he will tender said regiment to the President of the Confederate States, to be employed under his command as a regiment of the Confederate States.

Adopted in and by the convention May 9, 1861.

DAVID WALKER,
President of the Arkansas State Convention.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Convention.

A RESOLUTION for the election and commission of officers for the military companies now at Hopefield.

Be it resolved by the people of Arkansas in convention assembled, That the officers and private soldiers of the several volunteer companies now at or near Hopefield, in the service of the State, shall be, and they are hereby, authorized to form themselves into a regiment, to be called the Second Regiment of Arkansas Volunteers, and to elect therefor one colonel, one lieutenant-colonel, and one major, which election shall be held by such persons as the captains of companies shall select, and shall be certified to the Governor, who shall immediately issue commissions to the officers elected, as well as to the various officers of the line of such regiment. And the colonel of such regiment shall appoint his own staff officers, including one surgeon and an assistant surgeon.

Adopted and passed by and in the convention May 9, 1861.

DAVID WALKER,
President of the Arkansas State Convention.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Convention.

MONTGOMERY, *May 10, 1861.*

The CONGRESS OF THE CONFEDERATE STATES OF AMERICA:

It is with sincere pleasure that I inform you that the government of North Carolina has accredited the Hon. Thomas L. Clingman as commissioner to represent that Commonwealth near the Government of the Confederate States. Mr. Clingman presented to me this day his letters of credence, and I received him in a manner corresponding to his station and the high purpose of his mission. It afforded me much gratification to receive from Mr. Clingman the assurance which he was instructed by his government to convey to me of the determination of his State "to link her fortunes with those of the Confederate States, and to draw the sword in the common defense of our liberties." This proof of North Carolina's sympathy, and this promise of her early union with the Confederate States, are the more signal because conveyed by one of such high station and reputation as Mr. Clingman.

JEFF'N DAVIS.

AN ACT to amend "An act to provide for the public defense," approved March 6, 1861.

The Congress of the Confederate States of America do enact, That the President may receive into the service of the Confederate States any company of light artillery, which by said act he is authorized to do, with such complement of officers and men, and with such equipments as to him shall seem proper, anything in said act of the sixth of March, eighteen hundred and sixty-one, to the contrary notwithstanding.

Approved May 10, 1861.

A RESOLUTION in regard to military expenditures made by the State of South Carolina.

Resolved by the Congress of the Confederate States of America, That the expenditures made by the State of South Carolina for the pay and maintenance of the troops employed in the defense of Charleston Harbor, under the command of Brigadier-General Beauregard, were intended to be provided for by an act making appropriations for the support of 3,000 men for twelve months, to be called into service at Charleston, S. C., under the third and fourth sections of an act of the Congress to raise provisional forces for the Confederate States of America, and for other purposes; and that the amount of such expenditures be audited by the proper officer of the Treasury Department, and that the amount which shall be found due be paid to the State of South Carolina from the appropriation made by the act aforesaid.

Approved May 10, 1861.

AN ORDINANCE to adopt the Provisional Constitution of the Confederate States of America.

SECTION 1. *Be it ordained by the people of Arkansas in convention assembled*, That the Constitution of the Confederate States of America, made and adopted at Montgomery, in the State of Alabama, by the deputies of the States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, and afterward adopted by the people of the State of Texas, for the provisional government of the States adopting the same, and all ordinances, laws passed, and acts done, not locally inapplicable, in pursuance thereof, shall be, and the same are hereby, ratified and adopted by the people of Arkansas, and declared to be in full force and effect within this State.

SEC. 2. *Be it further ordained*, That five delegates, to be elected by this convention, shall be, and they are hereby, constituted and appointed the deputies of Arkansas to the Provisional Congress of the Confederate States of America, with all the powers and authority vested in the deputies of other States in said Congress.

SEC. 3. *Be it further ordained*, That it shall be the duty of the secretary of this convention to furnish said deputies with a copy of the ordinance passed on the sixth day of May, Anno Domini eighteen hundred and sixty-one, by this convention, dissolving the political connection between the State of Arkansas and the Government of the United States of America, and also a copy of this ordinance, which said copies shall be signed by the president and attested by the secretary of this convention.

SEC. 4. *Be it further ordained*, That this ordinance take effect and be in force within the limits and over the State of Arkansas as soon as the Congress of the Confederate States of America shall admit this State into the Confederacy thereof upon terms of equality with the other States thereof.

Adopted and passed in the convention May 10, A. D. 1861.

DAVID WALKER,
President of the Arkansas State Convention.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Convention.

AN ACT to make further provision for the public defense.

Whereas, war exists between the United States and the Confederate States; and whereas, the public welfare may require the reception of volunteer forces into the service of the Confederate States without the formality and delay of a call upon the respective States: [Therefore,]

The Congress of the Confederate States of America do enact, That the President be authorized to receive into service such companies, battalions, or regiments, either mounted or on foot, as may tender themselves, and he may require, without the delay of a formal call upon the respective States, to serve for such time as he may prescribe.

SEC. 2. Such volunteer forces who may be accepted under this act, except as herein differently provided, shall be organized in accordance with and subject to all the provisions of the act entitled "An act to provide for the public defense," and be entitled to all the allowances provided therein; and when mustered into service may be attached to such divisions, brigades, or regiments as the President may direct, or ordered upon such independent or detached service as the President may deem expedient: *Provided, however*, That battalions and regiments may be enlisted from States not of this Confederacy, and the President may appoint all or any of the field officers thereof.

SEC. 3. The President shall be authorized to commission all officers entitled to commissions of such volunteer forces as may be received under the provisions of this act. And upon the request of the officer commanding such volunteer regiment, battalion, or company, the President may attach a supernumerary officer to each company, detailed from the Regular Army for that purpose, and for such time as the President may direct.

Approved May 11, 1861.

AN ACT relative to telegraph lines of the Confederate States.

The Congress of the Confederate States of America do enact, That during the existing war the President be, and he is hereby, authorized and empowered to take such control of such of the lines of telegraph in the Confederate States, and of such of the offices connected therewith, as will enable him effectually to supervise the communications passing through the same, to the end that no communication shall be conveyed of the military operations of the Government to endanger the success of such operations, nor any communication calculated to injure the cause of the Confederate States, or to give aid and comfort to their enemies.

SEC. 2. The President shall appoint trustworthy agents in such offices and at such points on the various lines as he may think fit, whose duty it shall be to supervise all communications sent or passing through said lines, and to prevent the transmission of any communication deemed to be detrimental to the public service.

SEC. 3. In case the owners and managers of said lines shall refuse to permit such supervision, or shall fail or refuse to keep up and continue the business on said lines, the President is hereby empowered to take possession of the same for the purposes aforesaid.

SEC. 4. The President shall from time to time issue instructions to the agents so appointed, and to the operators of the various lines, to regulate the transmission of communications touching the operations of the Government, or calculated to affect the public welfare.

SEC. 5. That the President, at his discretion, may employ the operators of the lines as the agents of the Government, so that in this, as in all other respects, there may be as little interference with the business and management of such lines as may be compatible with the public interest.

SEC. 6. That the compensation of the agents appointed under this act, where such agents are not officers of the company, and the expense attending the execution of the provisions of this act, shall be paid out of the Treasury.

SEC. 7. That no communications in cipher, nor enigmatical or other doubtful communication, shall be transmitted, unless the person sending the same shall be known to the agent of the Government to be trustworthy, nor until the real purport of such communication shall be explained to such agent.

SEC. 8. That the President is hereby authorized, whenever it may be found necessary or advisable for the successful prosecution of the war, to extend existing lines of telegraph, or make connections between the same, the expense of contracting such additional lines to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 9. That all present and future officers of the telegraph lines engaged in receiving and transmitting intelligence within the Confederate States shall, as soon as practicable after the passage of this act, or after their appointment, take and subscribe before any judicial officer of any one of the Confederate States the following oath:

I, A B, do solemnly swear that I will support and maintain the Constitution of the Confederate States of America, and will not knowingly, directly or indirectly, transmit through the telegraph any communication or information calculated to injure the cause of the Confederate States, or to give aid or comfort to their enemies.

SEC. 10. That if any person shall knowingly send or transmit any message or communication touching the military operations of the Government, without the same being first submitted to the inspection of the agent of the Government, or any message calculated to aid and promote the cause of the enemies of the Confederate States, he shall be subject to indictment in the district court of the Confederate States, and on conviction shall be fined in a sum not less than $500 and imprisoned for a term not less than one year.

Approved May 11, 1861

AN ACT in relation to the Confederate loan.

Whereas, under and by virtue of the act to raise money for the support of the Government, and to provide for the defense of the Confed-

erate States of America, approved February 28, 1861, the Secretary of the Treasury did proceed to offer $5,000,000 of said loan, conformably to the provisions of said act;

And whereas, in many portions of the Confederate States the currency was and is composed of notes of banks which have suspended specie payment, not of necessity, but as a measure of public policy;

And whereas, certain of said banks did agree to redeem in coin or its equivalent such of their notes as should be paid in by subscribers to said loan;

And whereas, the Secretary of the Treasury, in view of the exigencies of the times and with a desire to give to the people of all parts of the Confederate States the opportunity of subscribing to said loan, did authorize the loan commissioners to receive the notes of the banks hereinbefore referred to; and to avoid inconvenience and the risk of transit, has authorized the said loan commissioners to deposit the moneys received by them in said banks: Now, therefore,

The Congress of the Confederate States of America do enact, That all of the acts and doings of the Secretary of the Treasury, of his subordinate officers, and of the loan commissioners, consistent with the facts recited in the foregoing preamble, are hereby confirmed and made valid, any law, usage, or custom to the contrary notwithstanding; and the said Secretary, his subordinate officers, and the loan commissioners, are hereby authorized to continue so to act in regard to the said loan, until the whole amount authorized by said act shall have been fully subscribed for, and their duties regarding the same shall have determined; and the said Secretary is authorized to make and continue the deposits of moneys received or to be received on account of the said loan in any of the said banks; and the Treasurer of the Confederate States is authorized to draw checks or warrants on said banks on account of said deposits, payable either in coin or its equivalent, or in current bank notes, as the Secretary of the Treasury may direct.

Approved May 11, 1861.

AN ORDINANCE appropriating the domain, public lands, and other property which belonged to the Government of the United States in this State on the 6th day of May, A. D. 1861, and for other purposes.

1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the domain, public lands, and other property which belonged to and vested in the Government of the United States, situate in this State, on the 6th day of May, A. D. 1861, be, and the same are hereby, appropriated to the State of Arkansas, as the domain, public lands, and property of said State, to be hereafter disposed of, applied, and appropriated as the other domain, public lands, and property of this State, hereby declaring that all the right, title, and claim which heretofore vested in the said Government of the United States of, in, and to said domain, public lands, and other property now vest in and belong to the State of Arkansas, subject to be disposed of as may be hereafter provided by this convention or the General Assembly of this State; saving, however, those who may have acquired any rights under the laws heretofore existing all such rights.

2. *Be it further ordained*, That the deputies or delegates who have heretofore been elected by this convention to the Provisional Congress

of the Confederate States of America be, and they are hereby, instructed and commissioned, and for that purpose they are hereby clothed with full power and authority to cede, convey, or transfer to the Government of the Confederate States of America the following grounds, lands, and property, situate in the State of Arkansas, for the use and benefit of said Confederate States of America, that is to say: Twenty acres, including the buildings, of the grounds and lands attached and belonging to the fort known as Fort Smith, in Sebastian County, and all the houses, buildings, and appurtenances thereon situate; also the grounds and lands attached and belonging to the arsenal, situate in the city of Little Rock, and all the houses, buildings, and appurtenances thereon situate; and also the grounds and lands attached and belonging to the hospital in the city of Napoleon, in Desha County, and all the houses, buildings, and appurtenances thereon situate: *Provided, however*, That said fort, arsenal, and hospital shall be considered necessary or useful for national purposes: *And provided, also*, That said Government of the Confederate States of America shall receive and admit this State into the Government of the Confederate States upon the same terms that all the other States have been received into said Confederacy, and with all the powers, privileges, and immunities belonging and pertaining to the same and each of them: *And provided, also*, That the said fort, arsenal, and hospital shall be continued to be used for public purposes and national objects: *And provided, also*, That the said Government of the Confederate States of America shall forever and at all times receive into the said arsenal and safely keep any and all State arms which may be there deposited, free of cost and expense to this State, and shall also receive and store into the magazine attached to said arsenal any and all powder or munitions of war tendered for that purpose by this State, without cost or expense.

3. *Be it further ordained*, That the deputies or delegates aforesaid be, and they are hereby, limited and restricted in their powers as such deputies or delegates, as far as may pertain to their power of cession in the name of this State, to the power of making cession of the above and before herein described grounds, lands, and property, and none other whatever, and the power hereby conferred upon said deputies or delegates is confided to them to be exercised or not, in their discretion.

4. *Be it further ordained*, That if the deputies or delegates aforesaid shall think it expedient or proper to cede to the Government of the Confederate States of America the grounds, lands, and property aforesaid, and the same are accepted by the said Confederate States, then and in that event the said Government of the Confederate States of America shall exercise the same jurisdiction over the said grounds, lands, and property so to be ceded, that the Government of the United States of America had exercised and held over the same under the acts of Congress of the United States and those of the General Assembly of this State.

Adopted and passed in and by the convention on the 11th day of May, A. D. 1861.

DAVID WALKER,
President of the Arkansas State Convention.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Convention.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., May 11, 1861.

Hon. L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: I have the honor to acknowledge the receipt by last mail of your communication of the 8th instant in reply to mine of the 6th, in which I am informed that "under the law volunteers in the Confederate service furnish their own clothing and receive therefor commutation." Will you do me the favor to inform me at what time or stated periods the commutation is to be paid such troops and how much to each? I make this inquiry in the hope that adequate means have been or will be provided to relieve the necessities of Georgia troops now in the service of the Confederate States.

I am, sir, very respectfully, &c.,

JOSEPH E. BROWN.

HEADQUARTERS VIRGINIA FORCES,
Richmond, Va., May 11, 1861.

Col. C. DIMMOCK,
Ordnance Department, Virginia Forces:

COLONEL: Major-General Lee instructs me to say to you that he desires you to enlarge your laboratory for manufacturing ammunition, &c. The troops entering the State are unprovided with ammunition, and are unserviceable without it. We will therefore have to manufacture for them and for the Virginia troops. Three times as much ammunition as is now made will be required.

I am, &c.,

R. S. GARNETT,
Adjutant-General.

MONTGOMERY, *May 13, 1861.*

The CONGRESS OF THE CONFEDERATE STATES OF AMERICA:

I lay before Congress, for their consideration and action in relation thereto, copies of a convention* between the Confederate States and the State of Tennessee, which was concluded and signed by the commissioners of both parties at the city of Nashville on the 7th day of May, A. D. 1861, and of the ratification and confirmation of the same by the General Assembly of the State of Tennessee.

JEFF'N DAVIS.

MAY 13, 1861.

Hon. L. P. WALKER,
Secretary of War of the Confederate States:

SIR: I apprehend, from attention to the subject and inquiry among intelligent merchants, that the resources of the Southern States cannot supply the necessities of the Army of the Confederate States with the essential articles of cloth for uniform clothing, blankets, shoes, stockings, and flannel. I respectfully suggest that measures be taken to obtain these articles from Europe. If this suggestion is favorably regarded, I hope that the importation of the enumerated articles may be increased in quantity to meet the wants of the volunteers called into service. The patriotic men who have left their homes for the

* See May 7, p. 297.

defense of their country in the present crisis are unaccustomed to exercise sagacity in providing for the future those articles which hitherto have been abundant in the market.

A. C. MYERS,
Acting Quartermaster-General.

CONFEDERATE STATES OF AMERICA, SUBSISTENCE DEPT.,
Montgomery, May 13, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: In reply to your request that I should assist in framing an estimate for the Medical Department of the Army, I submit the following considerations to aid in approximating: A knowledge of the play of chemical action and of the medical properties by which drugs may be prepared, compounded, and usefully administered will be of little avail in this inquiry; nor will the commercial value of the materia medica avail now, when commerce is stopped between us and the chief sources of supply—Europe and our enemies—and every article within our reach must have necessarily enhanced largely. On the other hand, it is to be borne in mind that our men are young and robust; that the probable seat of war is a healthful region; that but few chronic cases, which are the consumers of medicine, are to be looked for, and a whole class of medicine may be excluded; that all have homes and such cases should be promptly discharged; that the diseases of young, hearty men under exposure are almost always inflammatory and terminate in speedy death or rapid recovery; finally, the estimates for forts for which the supply bills are founded involve obstetrical instruments and medicines for the diseases of women and children, likewise to be excluded here. It may be assumed that $5 per head, in addition to the rations already estimated for, will include all expenses for medicines, hospital stores, dressing, instruments, and other articles. Now, for 100,000 men, at $5 per head, $500,000; one-sixth off for ten months leaves $416,000. Then deduct 25 per cent., as perhaps not more than 75,000 will be the average force during that time, $312,000.

I am, very respectfully, sir, your obedient servant,

L. B. NORTHROP,
Lieutenant-Colonel and Acting Commissary-General.

MONTGOMERY, *May 13, 1861.*

Governor J. E. BROWN,
Milledgeville, Ga.:

If you will let me know what your contract with Tredegar Works is it is more than probable I will take it.

L. P. WALKER.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., May 13, 1861.

Hon. L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: In reply to your note of the 7th instant, in which you say "I wish to know if Your Excellency will feel authorized to transfer to

the Confederate Government the sulphur and saltpeter purchased some time since for the State of Georgia and still in your possession, provided cash payment be made for it," I would state that I will feel authorized to make such transfer, provided the Confederate Government will at the same time and on the same terms accept the transfer of all the ordnance, shot, and shell which have been procured by this State from the Tredegar Works since the beginning of our present troubles, and also the steamer Huntress, recently purchased from parties in New York at the price of $15,000, with the necessary attending expenses incurred in bringing her to Savannah. This steamer was purchased to be used in our coast defense, but has been as yet mostly used in transporting troops and military stores between Savannah and the forts and coast below. It is true this steamer is not altogether such a boat as I would have purchased had I been unlimited in my selections, but at the time the selection was the best that could be made, and with some alterations will, it is thought by competent judges, be useful along our coast and inlets. The ordnance proposed to be transferred is mostly—I believe entirely—of heavy caliber, suited only for sea-coast defense; all which, together with said steamer, now that the Government of the Confederate States has assumed by authority all control over the forts and military operations in Georgia, have become, to the State separately, of no value. Hence I consider it but just that in transferring the powder materials above alluded to (and which are now worth, and would undoubtedly command in the market, a much larger sum than they cost), the Confederate Government should accept also the said ordnance, shot and shell, and the steamer at what they actually cost the State.

If your proposition thus modified shall meet the approval of the Confederate Government, I shall hold myself in readiness to cause the transfer to be made at any moment designated. Some days since I caused to be sent to you by the adjutant and inspector general a statement of the quantity and cost of the said powder materials, from which you will perceive they were bought at a low price.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH E. BROWN.

P. S.—The cost of mounting the guns above alluded to of course will be also taken into the account in making the transfer.

NEW ORLEANS, *May 13, 1861.*

Hon. EDWARD SPARROW:

Letter received. Get Secretary of War to telegraph me that no more twelve-months' volunteers than the three regiments now accepted will be received now or hereafter. Get him to inform me how many regiments will be received for the war. Twenty-five hundred men in excess of the three regiments are now here and 1,000 in the country awaiting orders. Major Barnard, U. S. Army, has been ordered to Ship Island. This is certain.

THO. O. MOORE.

MONTGOMERY, ALA., *May 13, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

Your dispatch to General Sparrow has been received. No more twelve-months' volunteers will be received from Louisiana. Three

thousand troops will be received for the war from Louisiana. For organization, see laws of Congress passed 7th and 9th of May.

L. P. WALKER.

[MAY 13, 1861.—For Walker to Cooper, authorizing the organization of a mounted regiment of Choctaw and Chickasaw Indians, see Series I, Vol. III, p. 574.]

NEW ORLEANS, *May 13, 1861.*

L. P. WALKER:

Dispatch received. Acts of 7th and 9th of May not reached here. Three regiments, with their field officers, organized. Will do my best to get them for the war.

THO. O. MOORE.

HEADQUARTERS STATE OF SOUTH CAROLINA,
May 13, 1861.

PRESIDENT OF THE CONFEDERATE STATES:

MY DEAR SIR: Adjutant-General Evans tells me that he is going direct to you, and he will explain as to the eighty men in the cavalry enlisted for three years, now here. I think they are a fine corps, and as they are for three years, I think it would be well for the public service if you would let me try and retain them, subject to your absolute order at any time either with horses or as infantry. The officers are willing to be disbanded if you prefer it, although they are fine men. As to General Dunovant and his staff, appointed over our regular enlisted forces, he nobly came forward and said that his interests should not stand in the way a moment, and offers to resign immediately they were mustered into service, and Major Jones, according to order, is now preparing to muster and receive them into the Confederate Army. I wrote you offering another regiment for Virginia if you desired, but have received no reply. I will now proceed to take the eight regiments I have now organized and in actual encampment. four of them in and around Charleston Harbor, and propose to have them mustered into the service of the Confederate Government absolutely and immediately, upon such a plan as will secure you unconditionally for immediate orders at least six regiments, with about 840 men each. Be so kind as to let Major Evans know if you will extend the orders to Major Jones, now here, to proceed forthwith and muster these into service after he has received the regulars. The medical staff of the regular regiment of infantry and the battalion of artillery I suppose cannot be technically received according to act of Congress; but it strikes me that you could immediately issue an order to confirm and reinstate this staff, as there are only five assistant surgeons, and they have been selected after severe examination, and been serving for three months, and are eminently suitable. If you will direct Major Evans it will save much time. I think I can confidently say I have a battalion of artillery equal to any in any service.

I have the honor to be, with great respect and esteem, yours,

F. W. PICKENS.

P. S.—I take occasion to say that Colonel Ripley probably may resign, as I have reason to know, and you will have to put Major

Barnwell at Sumter. If so, the people of Charleston will feel very uneasy, as Ripley is by far the most efficient and thorough officer here, and has been working night and day to put Sumter in fighting order. If a fleet comes in the heavy 10-inch columbiads and Dahlgren guns and mortars in the parapet cannot be managed without some such man as Ripley. I owe him more than any other single man, and the people of Charleston know it. I merely mention these things for your private consideration.

F. W. P.

[MAY 13, 1861.—For Cooper to McCulloch, authorizing the organization of two Indian regiments, &c., see Series I, Vol. III, p. 575.]

MARION, ALA., *May 13, 1861.*

His Excellency JEFFERSON DAVIS,
President, &c.:

SIR: I learn that under the policy recently adopted the Confederacy will not accept the services of any more volunteer companies, unless for the war, and that under its operation the twelve-months' volunteers not yet mustered into service will be rejected. The convictions I have, arising from circumstances not perhaps within your knowledge, impel me to regret the extension of this policy to twelve-months' volunteers raised under your former requisition. Instead of going into an elaborate argument and trespassing upon your valuable time, I will state a few facts as they exist in our (Perry) county.

We have some 20,000 slaves in this county, but much the greater number of our white population own no slaves. The political controversies as heretofore conducted have had the effect of exciting in the minds of some of the non-slave-holders improper and unfounded jealousies, and to impress them with the belief that nothing is now in peril in the prevailing war but the title of the master to his slaves. And having no sympathy with the slave-holder, numbers of men in our country taking a grossly erroneous view of the subject, have not unfrequently declared that they will "fight for no rich man's slaves." As a consequence of this sentiment, the two companies of volunteers from this county, and now in actual service, include in their ranks but few of the non-slave-holding working class. By some care and diligence we have partially succeeded in correcting these treasonable sentiments and exciting amongst the laboring classes a desire to take up arms in defense of their country. And within the last two weeks three other companies, embracing from 80 to 100 men each, have been raised in our county and their services been tendered to and accepted by the Governor under the twelve-months' requisition. These companies are composed almost entirely of men from "the hills"—poor laboring men, who own no slaves and live in non-slave-holding communities in our county. Expecting to go to the war they abandoned the service in which they were engaged and went into camp in order to drill and qualify themselves for the duties of a soldier. Their ardor being cooled, and in some instances giving way to impatience by reason of the delay of being mustered into service, they suddenly find their offer to serve for twelve months rejected.

In addition to this it is traitorously whispered into their ears that the slave-holders can enter the Army and quit it at the end of twelve months, but if they enter it, it must be for the war, however long its duration. I leave you to imagine the consequences. While I assure you it is with the greatest difficulty we can keep them from disbanding immediately, I attach no blame to you or to the Government, but it is, as you see, most unfortunate. The men composing these companies are stout, brave, and able-bodied—the very bone and sinew of the land. Their acceptance into the service of the Confederate States upon the terms originally proposed and under which they were raised would not only secure the aid of some of the best fighting men in our county, but it would enlist in favor of the war and our Government the warm sympathies of all their relatives and friends behind, and would enable them to say with just pride "This war is our war; the cause is our cause." But I will not enlarge. If the facts stated by me are not sufficient to induce you to accept these volunteer companies from the operation of the policy resolved upon, I shall conclude that the considerations by which you may be actuated, though unknown to me, are entirely sufficient, and my confidence in your ability and patriotism will not in the slightest degree be abated. I present these matters to you not with any purpose to intimate to you that your policy should be changed, but simply that you may have all the facts before you in coming to your final determination.

I have the honor to be, very respectfully, yours,

WILLIAM M. BROOKS.

AN ACT to authorize the transfer of appropriations.

The Congress of the Confederate States of America do enact, That during the recess of Congress the President of the Confederate States may and he is hereby authorized, on the application of the Secretary of the proper Department and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that Department be applied to another branch of expenditure in the same Department; in which case a special account of moneys thus transferred shall be laid before Congress during the first week of the next ensuing session.

SEC. 2. This act shall continue and be of force until the end of the existing war, and no longer.

Approved May 14, 1861.

[MAY 14, 1861.—For Governor Brown's order forbidding troops to carry arms out of the State of Georgia, &c., see Series I, Vol. LII, Part II, p. 97.]

[MAY 14, 1861.—For correspondence between Davis and Floyd, in relation to the organization of a brigade of mountain riflemen, see Series I, Vol. II, p. 838.]

TUESDAY, *May 14, 1861.**

OPEN SESSION.

* * * * * * *

Mr. Clingman laid before Congress the following resolutions adopted by the Legislature of North Carolina, viz:

RESOLUTIONS authorizing the Governor to use all the powers of the State, civil and military, consistent with the constitution, to protect the persons and property of our citizens and to maintain and defend the honor of North Carolina.

Whereas, the Constitution of the United States has been entirely subverted and its Government has been converted into a military despotism by the usurpations of the Administration of Abraham Lincoln; and whereas, the said Abraham Lincoln has promulgated a proclamation declaring the ports of North Carolina in a state of blockade and directing our ships engaged in lawful commerce to be seized; and whereas, such measures are, by the laws of civilized nations, only to be resorted to against a foreign State and one against which war has been declared; and whereas, North Carolina has no alternative, consistent with her safety and honor, but to accept the position thus assigned to her as that of an independent and foreign State: Therefore,

Be it resolved, That the Governor is hereby authorized to use all the powers of the State, civil and military, consistent with the constitution, to protect the persons and property of our citizens and to maintain and defend the honor of North Carolina.

A true copy from the minutes of the House of Commons of North Carolina.

EDWARD CANTWELL,
Clerk House of Commons.

* * * * * * *

A RESOLUTION to ratify the agreement and convention entered into between the Commonwealth of Tennessee and the Confederate States of America.

Resolved by the Congress of the Confederate States of America (*two-thirds of the Congress concurring therein*), That the Congress advise and consent to the ratification of the convention and agreement entered into on the 7th day of May, 1861, at Nashville, Tenn., between the Commonwealth of Tennessee, by her commissioners, and the Confederate States of America, by their commissioner, the Hon. Henry W. Hilliard.

CONGRESS, *May 15, 1861.*

I, Johnson J. Hooper, Secretary of the Congress of the Confederate States of America, do hereby certify that the foregoing is a true and correct copy of a resolution which was unanimously adopted by the Congress, in executive session, this 15th day of May, 1861.

Given under my hand, the day above written, at the Capitol, in the city of Montgomery.

JOHNSON J. HOOPER,
Secretary of the Congress.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., May 15, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: On the 8th instant I sent by your servant a communication of which the inclosed is a copy,† to which I have received no reply. Learning this morning from Judge R. W. Walker that you had not

*From Journal of the Provisional Congress.
†See Moore to Walker, May 8, p. 302.

received it, I inclose you a copy. Please answer as early as practicable, as I desire to give the proper notice to the volunteer companies.

Very respectfully,

A. B. MOORE.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., May 15, 1861.

Hon. L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: Having received conflicting information as to the terms upon which State volunteer troops will be received into the service of the Confederate States, I respectfully request you to give me by letter, as soon as convenient, definite and explicit information on the subject. I am led to make inquiry in this way because from the unequivocal tenor of your dispatches of a few days since I was under the impression that none but volunteers for the war would be received, and to-day I have been shown a letter from the Secretary of one of the Departments at Montgomery, stating that the late act is not construed there as requiring all tenders of service to be for the war, but that it is considered only cumulative, and does not repeal the old act, under which troops were received for one year, and that recruits for one year may be received into the service still, while under the last act they may be received for during the war. I beg to be informed, if this is so, can volunteers still be received into the service, regardless of or under the late law, for the term of one year.

In accordance with the unequivocal import of your late telegram that the term of service would hereafter be in all cases for the war, I issued a circular notice of this fact to all the organized volunteer companies in the State, stating to them that their former tenders of service, having been made for the term of one year only, had become void by the supposed extension of the term of service, and that if they still desired service they must renew the tender for the war. To this order several companies, being anxious for service, have already responded, renewing their tenders for during the war. While it may be reasonable to expect that, although the term of service may be restricted to during the war, our volunteers will with alacrity respond to whatever calls the Confederate Government shall make, through the Executive, upon Georgia for troops, provided twelve-months' volunteers are not accepted also—if this be the case it is apprehended that no companies will volunteer for the war if others are allowed to enter the service for one year only. I must confess that the conflicting information upon this subject which has reached me has tended in no small degree to embarrass my operations in receiving tenders of service from the companies of the State, and it has been a source of perplexity and annoyance to the volunteers themselves. If troops will be received for twelve months, then I have no hopes of obtaining any for a longer term of service, or a very few at most. If none are to be accepted for a term less than for the war, then I think as many can be had for that term of service as will be required of Georgia. An early reply is respectfully solicited.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,
Austin, Tex., May 15, 1861.

His Excellency JEFFERSON DAVIS:

SIR: An ordinance passed by the late convention of Texas, entitled "An ordinance to secure the friendship and co-operation of the Choctaw, Cherokee, Chickasaw, Creek, and Seminole Nations of Indians," appointed James E. Harrison and two others to proceed to said nations and invite their prompt co-operation in the formation of a Southern Confederacy.

These commissioners, having fulfilled the object of their mission, present the accompanying report, which indicates a general and propitious feeling of sympathy with the Confederate States on the part of those nations.

The active friendship of these nations is of vital importance to the South, and therefore it is that I constitute Mr. Harrison, who was the leading member of the commission and is thoroughly conversant with the whole subject, the duly accredited agent of Texas to convey his report to Your Excellency.

Very respectfully, your obedient servant,

EDWARD CLARK.

[Inclosure.]

His Excellency EDWARD CLARK,
Governor of the State of Texas:

The undersigned, commissioners appointed by the State of Texas to the Choctaw, Chickasaw, Creek, Seminole, and Cherokee Nations, beg leave to submit the following report:

We started from home on the duty assigned us on the 27th day of February, 1861; crossed Red River and entered the Chickasaw Nation about thirty miles southwest of Fort Washita; visited and held a private conference with His Excellency Governor C. Harris and other distinguished men of that nation, who fully appreciated our views and the object of our mission. They informed us that a convention of the Chickasaws and Choctaws was in a few days to convene at Boggy Depot, in the Choctaw Nation, to attend to some municipal arrangements. We, in company with Governor Harris and others, made our way to Boggy Depot, conferring privately with the principal men on our route. We arrived at Boggy Depot on the 10th day of March. Their convention or council convened on the 11th. Elected a president of the convention (Ex-Governor Walker, of the Choctaw Nation); adopted rules of decorum. On the 12th we were waited on by a committee of the convention. Introduced as commissioners from Texas, we presented our credentials and were invited to seats. The convention then asked to hear us, when Mr. James E. Harrison addressed them and a crowded auditory upon the subject of our mission, setting forth the grounds of our complaint against the Government of the United States, the wrongs we had suffered until our patience had become exhausted, endurance had ceased to be a virtue, our duty to ourselves and children demanded of us a disruption of the Government that had ceased to protect us or regard our rights; announced the severance of the old and the organization of a new Government of Confederate Sovereign States of the South, with a common kindred, common hopes, common interest, and a common destiny; discussed the power of the new Government, its influence, and wealth; the interest the civilized red man had in this new organization; tendering them our warmest sympathy and regard, all of which met the cordial approbation of the convention.

The Choctaws and Chickasaws are entirely Southern and are determined to adhere to the fortunes of the South. They were embarrassed in their action by the absence of their agents and commissioners at Washington, the seat of Government of the Northern Confederacy, seeking a final settlement with that Government. They have passed resolutions authorizing the raising of a minute company in each county in the two nations, to be drilled for actual service when necessary. Their convention was highly respectable in numbers and intelligence, and the business of the convention was dispatched with such admirable decorum and promptness as is rarely met with in similar deliberative bodies within the States.

On the morning of the 13th, hearing that the Creeks (or Maskokys) and Cherokees were in council at the Creek agency, on the Arkansas River, 140 miles distant, we immediately set out for that point, hoping to reach them before their adjournment. In this we were disappointed. They had adjourned two days before our arrival. We reached that point on Saturday evening. On Sunday morning, hearing that there was a religious meeting five miles north of the Arkansas River, in the Creek Nation, Mr. James E. Harrison attended, which proved to be of the utmost importance to our mission. The Reverend Mr. H. S. Buckner was present, with Chilly McIntosh, D. N. McIntosh, Judge Marshall, and others, examining a translation of a portion of the Scriptures, hymn book, and Greek grammar by Mr. Buckner into the Creek language. Mr. Buckner showed us great kindness, and did us eminent service, as did also Elder Vandiven, at whose house we spent the night and portion of the next day with these gentlemen of the Creek Nation, and through them succeeded in having a convention of the five nations called by Governor Motey Kinnaird, of the Creeks, to meet at North Fork (Creek Nation) on the 8th of April.

In the intermediate time we visited the Cherokee Nation, calling on their principal men and citizens, conversing with them freely until we reached Tahlequah, the seat of government. Near this place Mr. John Ross resides, the Governor of the nation. We called on him officially. We were not unexpected, and were received with courtesy, but not with cordiality. A long conference was had with him, conducted by Mr. Harrison on the part of the commissioners, without, we fear, any good result. He was very diplomatic and cautious. His position is the same as that held by Mr. Lincoln in his inaugural; declares the Union not dissolved; ignores the Southern Government. The intelligence of the nation is not with him. Four-fifths, at least, are against his views, as we learned from observation and good authorities. He, as we learned, had been urged by his people to call a council of the nation (he having the only constitutional authority to do so), to take into consideration the embarrassed condition of political affairs in the States, and to give some expression of their sentiments and sympathies. This he has persistently refused to do. His position in this is that of Sam. Houston in Texas, and in all probability will share the same fate, if not a worse one. His people are already oppressed by a Northern population letting a portion of territory purchased by them from the United States, to the exclusion of natives, and we are creditably informed that the Governors of some two or more of the Western free-soil States have recommended their people emigrating to settle the Cherokee country. It is due Mr. John Ross, in this connection, to say that during our conference with him he frequently avowed his sympathy for the South, and that, if Virginia and the other Border States seceded from the Government of the United States, his

people would declare for the Southern Government that might be formed. The fact is not to be denied or disguised that among the common Indians of the Cherokees there exists a considerable abolition influence, created and sustained by one Jones, a Northern missionary of education and ability, who has been among them for many years, and who is said to exert no small influence with John Ross himself.

From Tahlequah we returned to the Creek Nation, and had great satisfaction in visiting their principal men—the McIntoshes, Stidhams, Smiths, Vanns, Rosses, Marshalls, and others too numerous to mention. Heavy falls of rain occurred about the time the convention was to meet at North Fork, which prevented the Chickasaws and Choctaws from attending the council, the rivers and creeks being all full and impassable. The Creeks, Cherokees, Seminoles, Quapa, and Socks (the three latter dependencies of the Creeks) met on the 8th of April. After they had organized by calling Motey Kinnaird, the Governor of the Creeks, to the chair, a committee was appointed to wait on the commissioners present, James E. Harrison and Capt. C. A. Hamilton, and invite them to appear in the convention, when, by invitation, Mr. Harrison addressed the convention in a speech of two hours. Our views were cordially received by the convention. The Creeks are Southern and sound to a man, and when desired will show their devotion to our cause by acts. They meet in council on the 1st of May, when they will probably send delegates to Montgomery to arrange with the Southern Government.

These nations are in a rapid state of improvement. The chase is no longer resorted to as means of subsistence, only as an occasional recreation. They are pursuing with good success agriculture and stock raising. Their houses are well built and comfortable, some of them costly. Their farms are well planned and some of them extensive and all well cultivated. They are well supplied with schools of learning, extensively patronized. They have many churches and a large membership of moral, pious deportment. They feel themselves to be in an exposed, embarrassed condition. They are occupying a country well suited to them, well watered, and fertile, with extensive fields of the very best mineral coal, fine salt springs and wells, with plenty of good timber, water powers which they are using to an advantage. Pure slate, granite, sandstone, blue limestone and marble are found in abundance. All this they regard as inviting Northern aggression, and they are without arms, to any extent, or munitions of war. They declare themselves Southerners by geographical position, by a common interest, by their social system, and by blood, for they are rapidly becoming a nation of whites. They have written constitutions, laws, &c., modeled after those of the Southern States. We recommend them to the fostering care of the South, and that treaty arrangements be entered into with them as soon as possible. They can raise 20,000 good fighting men, leaving enough at home to attend to domestic affairs, and under the direction of an officer from the Southern Government would deal destruction to an approaching army from that direction, and in the language of one of their principal men:

> Lincoln may haul his big guns about over our prairies in the daytime, but we will swoop down upon him at night from our mountains and forests, dealing death and destruction to his army.

No delay should be permitted in this direction. They cannot declare themselves until they are placed in a defensible position. The Administration of the North is concentrating his forces at Fort Washita,

about twenty-four miles from the Texas line, and within the limits of the Chickasaw Nation. This fort could easily be taken by a force of 200 or 300 good men, and it is submitted as to whether in the present state of affairs a foreign Government should be permitted to accumulate a large force on the borders of our country, especially a portion containing a large number of disaffected citizens who repudiate the action of the State.

In this connection it may not be improper to state that from North Fork to Red River we met over 120 wagons, movers from Texas to Kansas and other free States. These people are from Grayton, Collin, Johnson, and Denton, a country beautiful in appearance, rich in soil, genial in climate, and inferior to none in its capacity for the production of the cereals and stock. In disguise, we conversed with them freely. They had proposed by the ballot box to abolitionize at least that portion of the State. Failing in this, we suppose at least 500 voters have returned whence they came.

All of which is respectfully submitted this April 23, 1861.

JAMES E. HARRISON,
JAMES BOURLAND,
CHARLES A. HAMILTON,
Commissioners, &c.

In addition to the foregoing report we beg leave to state that Mr. J. A. Echols, from Waco, accompanied us on our mission and rendered us important and efficient service.

JAMES E. HARRISON.
JAMES BOURLAND.
CHARLES A. HAMILTON.

GENERAL ORDERS, No. 16. HEADQUARTERS VIRGINIA FORCES, *Richmond, Va., May 15, 1861.*

Discharges from, or substitutions or transfers in, the volunteer service of the State can only be made by the authority of the Governor or the commanding general of the Virginia forces. In all such cases the application for discharge either with or without a substitute, and from whatever cause or for transfer, must first be approved by the company commander, and will be forwarded by him through his immediate commander to the headquarters of the Virginia forces, whence the order for the discharge will emanate, and be returned through the same channel to the company officer. Substitutes or recruits in a company after it has been once regularly mustered in can be duly mustered into the service at the first subsequent periodical muster, the pay commencing from the date of joining the company. The periodical musters will take place at the end of the alternate months, commencing with the 30th of June next. Rolls for these musters will be duly supplied.

By command of Major-General Lee:

R. S. GARNETT,
Adjutant-General.

RICHMOND, *May 15, 1861.*

L. P. WALKER:

Steamer Parana, English advices 7th, arrived at Saint John's. Lord John Russell stated to House of Commons naval force sent to American coast to protect British shipping, infringement international law.

Federal Government collect duties before breaking bulk. No definite instructions sent to British cruisers, as so much depended on circumstances. Blockade only recognized when effective. Regarding letters of marque, Government is of opinion Southern Confederacy must be recognized as belligerents. Cotton advanced one-eighth to one-fourth of a cent. California gold being diverted from New York to London. Faulkner and Dallas arrived in New York.

D. G. DUNCAN.

AN ACT to increase the military establishment of the Confederate States and to amend the "Act for the establishment and organization of the Army of the Confederate States of America."

The Congress of the Confederate States of America do enact, That the President shall be authorized to raise and organize, in addition to the present military establishment, one regiment of cavalry and two regiments of infantry, whenever in his judgment the public service may require such an increase, to be organized in accordance with existing laws for the organization of cavalry and infantry regiments, and to be entitled to the same pay and allowances provided for the same respectively.

SEC. 2. That the five general officers provided by existing laws for the Confederate States shall have the rank and denomination of "general," instead of "brigadier-general," which shall be the highest military grade known to the Confederate States. They shall be assigned to such commands and duties as the President may specially direct, and shall be entitled to the same pay and allowances as are provided for brigadier-generals, and to two aides-de-camp, to be selected as now provided by law. Appointments to the rank of general, after the Army is organized, shall be made by selection from the Army.

SEC. 3. That the President be authorized, whenever in his judgment the public service may require the increase, to add to the Corps of Engineers one lieutenant-colonel, who shall receive the pay and allowances of a lieutenant-colonel of cavalry, and as many captains, not exceeding five, as may be necessary.

SEC. 4. That there be added to the Quartermaster-General's Department one assistant quartermaster-general, with the rank of lieutenant-colonel, and two quartermasters, with the rank of major; and to the Commissary-General's Department one assistant commissary, with the rank of major, and one assistant commissary, with the rank of captain; and to the Medical Department, six surgeons and fourteen assistant surgeons.

SEC. 5. That the President be authorized to appoint as many military store-keepers, with the pay and allowances of a first lieutenant of infantry, as the safe-keeping of the public property may require, not to exceed in all six store-keepers.

SEC. 6. That there be added to the military establishment one quartermaster-sergeant for each regiment of cavalry and infantry, and one ordnance-sergeant for each military post, each to receive the pay and allowances of a sergeant-major according to existing laws.

SEC. 7. That there may be enlisted for the Medical Department of the Army, for the term already provided by law for other enlisted men, as many hospital stewards as the service may require, to be

determined by the Secretary of War, under such regulations as he may prescribe, and who shall receive the pay and allowances of a sergeant-major.

SEC. 8. That until a military school shall be established for the elementary instruction of officers for the Army, the President shall be authorized to appoint cadets from the several States in number proportionate to their representation in the House of Representatives, and ten, in addition, to be selected by him at large from the Confederate States, who shall be attached to companies in service in any branch of the Army as supernumerary officers, with the rank of cadet, who shall receive the monthly pay of $40, and be competent for promotion at such time and under such regulations as may be prescribed by the President or hereafter established by law.

SEC. 9. That the President be authorized to assign officers of the Army of the Confederate States to staff duty with volunteers or provisional troops, and to confer upon them, whilst so employed, the rank corresponding to the staff duties they are to perform.

SEC. 10. There shall be allowed and paid to every able-bodied man who shall be duly enlisted to serve in the Army of the Confederate States a bounty of $10; but the payment of $5 of the said bounty shall be deferred until the recruit shall have been mustered into the regiment into which he is to serve.

SEC. 11. That the provision of the third section of the act of the Congress of the United States making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th day of June, A. D. 1861, approved June 23, 1860, which declares that no arms or military supplies whatever, which are of a patented invention, shall be purchased, nor the right of using or applying any patented invention, unless the same shall be authorized by law and the appropriation therefor explicitly set forth that it is for such patented invention (if of force within the Confederate States), shall be suspended in its operation for and during the existing war.

Approved May 16, 1861.

AN ACT to amend an act entitled "An act to provide for the appointment of chaplains to the Army," approved May 3, 1861.

The Congress of the Confederate States of America do enact, That so much of the second section of the above-recited act as fixes the pay of chaplains in the Army at eighty-five dollars be repealed, and that the pay of said chaplains be fifty dollars per month.

Approved May 16, 1861.

AN ACT to authorize the President to continue the appointments made by him in the military and naval service during the recess of Congress or the present session, and to submit them to Congress at its next session.

The Congress of the Confederate States of America do enact, That the President be authorized to continue the appointments made by him in the military and naval service during the recess of Congress or the present session, and to submit them to Congress at its next session.

Approved May 16, 1861.

AN ACT to authorize a loan and the issue of Treasury notes, and to prescribe the punishment for forging the same, and for forging certificates of stock and bonds.

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury may, with the assent of the President of the Confederate States, issue $50,000,000 in bonds, payable at the expiration of twenty years from their date, and bearing a rate of interest not exceeding 8 per cent. per annum until they become payable, the said interest to be paid semi-annually. The said bonds, after public advertisement in three newspapers within the Confederate States for six weeks, to be sold for specie, military stores, or for the proceeds of sales of raw produce or manufactured articles, to be paid in the form of specie or with foreign bills of exchange, in such manner and under such regulations as may be prescribed by the Secretary of the Treasury, with the assent of the President. But it shall be the duty of the Secretary of the Treasury to report, at its next ensuing session, to the Congress of the Confederate States, a precise statement of his transactions under this law. Nor shall the said bonds be issued in fractional parts of the hundred, or be exchanged by the said Secretary for Treasury notes, or the notes of any bank, corporation, or individual, but only in the manner herein prescribed: *Provided*, That nothing herein contained shall be so construed as to prevent the Secretary of the Treasury from receiving foreign bills of exchange in payment of these bonds.

SEC. 2. *And be it further enacted*, That in lieu of bonds, to an amount not exceeding $20,000,000, the Secretary of the Treasury, with the assent of the President, may issue Treasury notes to the same amount, without interest, and in denominations of not less than $5; the said notes to be receivable in payment of all debts or taxes due to the Confederate States except the export duty on cotton, or in exchange for the bonds herein authorized to be issued. The said notes shall be payable at the end of two years from the date of their issue in specie. The holders of the said notes may at any time demand in exchange for them bonds of the Confederate States, payable at the end of ten years, and bearing an interest of 8 per centum per annum, to be paid semi-annually. The Secretary of the Treasury is hereby authorized to issue the said bonds, but not in fractional parts of a hundred. But if, after the expiration of two years, when the Treasury notes shall be due, the Secretary of the Treasury shall advertise that he will pay the same, then the privilege of funding shall cease after six months from the date of the advertisement, unless there shall be a failure to pay the same on their presentation.

SEC. 3. *And be it further enacted*, That in lieu of the notes authorized by this act, which may be redeemed, other notes may be issued within the period of ten years as aforesaid: *Provided, however*, That the amount of such notes outstanding, together with the stock in which the said Treasury notes may have been funded under the provisions of this act, shall not exceed the sum of $20,000,000. But the Secretary of the Treasury may, upon application of the holder of a bond thus funded, redeem it by giving in exchange Treasury notes issued under the provisions of this act to such extent as that the entire amount of notes then issued, together with the amount of the bonds in which they may have been funded, shall not exceed $20,000,000.

SEC. 4. *And be it further enacted*, That the faith of the Confederate States is hereby pledged to provide and establish sufficient revenues for the regular payment of the interest and for the redemption of the said stock and Treasury notes. And the principal sum

borrowed under the provisions of this act and the interest thereon, as the same shall from time to time become due and payable, shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 5. *And be it further enacted*, That this act shall be deemed to contain all the provisions, limitations, and penalties of the act entitled "An act to authorize the issue of Treasury notes, and to prescribe the punishment for forging the same, and for forging certificates of stocks, bonds, or coupons," and approved March 9, 1861, which shall be considered as parts of this act, save the first, second, and tenth sections, and save so much as relates to interest upon Treasury notes.

SEC. 6. *And be it further enacted*, That for the purpose of raising $10,000,000 within the present calendar year, and of providing for the ultimate redemption of the debt herein authorized to be contracted, the Secretary of the Treasury is hereby directed to collect information in regard to the value of the property, the revenue system, and the amount collected during the last fiscal year in each of the Confederate States, and to report the same to Congress at its next session, so as to enable it to lay a fair, equal, and convenient system of internal taxation for the purpose of securing the payment of the interest and principal of the debt hereby authorized to be created, in such manner as may fully discharge the obligation herein contracted by the pledge of the faith of the Confederate States to pay the principal and interest of the said debt when due.

SEC. 7. *And be it further enacted*, That any State may pay into the Treasury, in anticipation of the tax aforesaid, any sum not less than $100,000 in specie or its equivalent; and if the same be paid on or before the 1st day of July next, the said State shall be allowed to set off the same with 10 per centum additional from the quota to be assessed upon the said State.

Approved May 16, 1861.

MILLEDGEVILLE, *May 16, 1861.*

Hon. L. P. WALKER:

In your telegram of the 6th instant you instruct me to make arrangements somewhere for two regiments instead of one, meaning the one then rendezvousing at Macon and one other. I have complied with your requisition, and now have the companies for the other regiment in camp ready to rendezvous on the shortest notice. They will consent to go into service for the war. What day and at what point in the State will you receive them? I will arm and equip them. They wish to march at once, as they are on heavy expense in camp. Are fine troops, well drilled. If you will accept these troops under your requisition immediately, I will then arm and equip Colonel Gartrell's regiment at once. He is now here. Please answer immediately, as he wishes to leave for home. Answer quick.

JOS. E. BROWN.

MONTGOMERY, *May 16, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville, Ga.:

Will receive the regiment for the war at once, and will muster it in at the point you designate. They will be ordered to Richmond, and must move without delay. Let me know when and where it will rendezvous.

L. P. WALKER.

RICHMOND, *May 16, 1861.*

L. P. WALKER:

English Under Secretary of Foreign Affairs stated in the House of Lords that government would not intrude advice unless asked for by contending parties, nor had Government been in communication with any foreign government regarding mediation. New York Herald says Doctor Holland, bearer of dispatches from England for Montgomery, had arrived and would be arrested.

D. G. DUNCAN.

AN ACT to admit the State of North Carolina into the Confederacy on a certain condition.

The State of North Carolina having adopted measures looking to an early withdrawal from the United States and to becoming in the future a member of this Confederacy, which measures may not be consummated before the approaching recess of Congress: Therefore,

The Congress of the Confederate States of America do enact, That the State of North Carolina shall be admitted a member of the Confederate States of America, upon an equal footing with the other States, under the Constitution for the Provisional Government of the same, upon the condition that the convention of said State soon to assemble shall adopt and ratify said Constitution for the Provisional Government of the Confederate States, and shall transmit to the President of the Confederate States, before the reassembling of Congress, through the Governor of said State, or some other proper organ, an authentic copy of the act or ordinance of said convention so adopting and ratifying said Provisional Constitution; upon the receipt whereof the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of said State into this Confederacy, under said Constitution for the Provisional Government, shall be considered as complete, and the laws of this Confederacy shall thereby be extended over said State as fully and completely as over the other States now composing the same.

Approved May 17, 1861.

AN ACT to admit the State of Tennessee into the Confederacy on a certain condition.

The State of Tennessee having adopted measures looking to an early withdrawal from the United States and to becoming in the future a member of this Confederacy, which measures may not be consummated before the approaching recess of Congress: Therefore,

The Congress of the Confederate States of America do enact, That the State of Tennessee shall be admitted a member of the Confederate States of America, upon an equal footing with the other States, under the Constitution for the Provisional Government of the same, upon the condition that the said Constitution for the Provisional Government of the Confederate States shall be adopted and ratified by the properly and legally constituted authorities of said State, and the Governor of said State shall transmit to the President of the Confederate States, before the reassembling of Congress, after the recess

aforesaid, an authentic copy of the proceedings touching said adoption and ratification by said State of said Provisional Constitution; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of said State of Tennessee into the Confederacy, under said Constitution for the Provisional Government of the Confederate States, shall be considered as complete; and the laws of this Confederacy shall be thereby extended over said State as fully and completely as over the other States now composing the same.

Approved May 17, 1861.

AN ACT to provide an additional company of sappers and bombardiers for the Army.

The Congress of the Confederate States of America do enact, That there be added to the military establishment of the Confederate States one company of sappers and bombardiers, to consist of one captain, two first lieutenants, one second lieutenant, ten sergeants or master workmen, ten corporals or overseers, two musicians, thirty-nine privates of the first class, and thirty-nine privates of the second class, who shall be instructed in and perform all the duties of sappers and bombardiers, and shall, moreover, under the orders of the chief engineer, be liable to serve by detachments in overseeing and aiding laborers upon fortifications or other works under the Engineer Department, and in supervising finished fortifications, as fort keepers, preventing injury, and making repairs.

SEC. 2. That it shall be the duty of the colonel of the engineer corps, subject to the approval of the Secretary of War, to prescribe the number, quantity, form, dimensions, &c., of the necessary vehicles, arms, pontoons, tools, implements, and other supplies for the service of said company as a body of sappers and bombardiers.

SEC. 3. That the monthly pay of the captain of said company shall be $140; of each first lieutenant, $100; of the second lieutenant, $90; of the sergeants, $34; of the corporals, $20; of the musicians, $13; of the first-class privates, $17, and of the second-class privates, $13. And the said commissioned officers shall be entitled to the same allowances as all other commissioned officers of the Army, and the same right to draw forage for horses as is accorded to officers of like rank in the engineer corps; and the enlisted men shall receive the same rations and allowances as are granted to all other enlisted men in the Army.

Approved May 17, 1861.

A RESOLUTION in relation to imports from the States of Virginia, North Carolina, Tennessee, and Arkansas.

Resolved, That all imports from the States of Virginia, North Carolina, Tennessee, and Arkansas be exempted from the payment of duties; and that this exemption extend to imports from the said States now in warehouse.

Approved May 17, 1861.

MILLEDGEVILLE, *May 17, 1861.*

Hon. L. P. WALKER:

Will rendezvous the regiment at Atlanta to-morrow week. Will you accept it with twelve companies? That number anxious to go. Will rendezvous Colonel Gartrell's as soon as other is off.

JOS. E. BROWN.

MONTGOMERY, *May 17, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville, Ga.:

The regimental organization is ten companies. No more, therefore, can go into the regiment. Under the law passed a few days since companies tender their services here for the war. Some of these companies from your State have been armed by the State. I understand you have issued proclamation that no company so tendering for service out of the State must carry their arms with them. The one object of the bill was to prevent delay when prompt action is so necessary. Now, I propose, if you will recall this order and permit the companies to take their arms, to supply you from the arsenal the number so taken. I hope, in view of the emergency, that you will consent.

L. P. WALKER.

MILLEDGEVILLE, *May 17, 1861.*

Hon. L. P. WALKER:

I have responded very promptly to every call made on me for troops. The late act of Congress, to which you refer, authorizing tenders of troops to the President independent of State authority, I regard as a very dangerous infringement of State rights. I can in no degree increase dispatch in organizing regiments, as you have ordered from the Augusta Arsenal to Virginia all the new guns in the arsenal, with which I think Georgia troops should have been armed. I cannot consent to exchange what few guns still in possession of the State, purchased by her, for the altered muskets now in the arsenal.

JOSEPH E. BROWN.

RICHMOND, *May 17, 1861.*

L. P. WALKER:

Russell's statement [in] answer [to] question [of] Ewart, member of Parliament, how [the] Government looked upon our privateers, Attorney-General's opinion the [Government] must recognize [those] legally commissioned. New York Herald attempts to make North believe Russell meant contrary. All other papers admit equivalent recognition as a nation.

D. G. DUNCAN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 18, 1861.

Maj. EDWARD C. ANDERSON,
Confederate Army, Montgomery, Ala.:

SIR: You are hereby directed to proceed to Europe without delay for the purpose of making purchases of munitions of war and to exe-

cute such other instructions as may be intrusted to you by the heads of the Departments of this Government. On your arrival abroad you will at once, if possible, place yourself in communication with Capt. Caleb Huse, who has heretofore been sent abroad on a mission similar to that now intrusted to you. The Bureau of Ordnance will furnish you with copies of the instructions with which Captain Huse is charged, and you will hasten to co-operate with him in making the purchases and shipments therein specified. Should you be unable to communicate with Captain Huse after due inquiry for that purpose, you will proceed yourself to execute all that pertains to the duties with which he was charged. You will report your address to this Department as soon as you arrive abroad and make frequent reports of your proceedings.

Respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 18, 1861.

Maj. EDWARD C. ANDERSON:

SIR: You are hereby authorized, should circumstances in your opinion demand it, to supersede Capt. Caleb Huse, who was sent to Europe as an agent of this Department to purchase ordnance, arms, and munitions of war, and to take possession of any assets or credits placed to his account as such agent.

Very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

TALLAHASSEE, *May 18, 1861.*

Hon. L. P. WALKER:

One regiment awaits your orders; two others ready, save arms and equipments. Can you supply? Several companies are encamped at expense of officers. Say where wanted and when.

M. S. PERRY.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 18, 1861.

His Excellency JOSEPH E. BROWN,
Governor of Georgia:

SIR: In reply to Your Excellency's letter of the 13th of May, relative to the transfer to this Government of the sulphur and saltpeter in possession of the authorities of Georgia, I have the honor to say that this Department will take all your purchases of ordnance and materials for ammunition, but trust Your Excellency will not insist on the proposition submitted as to the steamer Huntress. A draft on the basis of the letter of General Wayne of the 17th of May had already been transmitted to Your Excellency for the sulphur and saltpeter before the receipt of your letter of the 13th of May.

Respectfully, your obedient servant,

L. P. WALKER.

MILLEDGEVILLE, *May 18, 1861.*

Hon. L. P. WALKER:

Do you make requisition on me for Colonel Gartrell's regiment and for the Savannah volunteer regiment in addition to the Sixth Regiment, which is to rendezvous in Atlanta 25th instant? If so, please state where you wish the two regiments mustered into service.

JOSEPH E. BROWN.

MONTGOMERY, *May 18, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville, Ga.:

I make no requisition for Gartrell's regiment. My letter to him will disclose the circumstances under which it was agreed to be received.* Beyond this the matter rests with Colonel Gartrell and yourself. Nor do I make any requisition for the troops for Savannah. General Lawton can explain.

L. P. WALKER.

JACKSON, MISS., *May 18, 1861.*

President DAVIS:

Much injury to the service will result from ignoring the twelve-months' companies. They have camped and drilled at their own expense, and are now armed and are anxiously waiting orders by mail.

JOHN J. PETTUS.

MONTGOMERY, *May 18, 1861.*

Governor PETTUS,
Jackson, Miss.:

Can you give me two regiments for twelve months, armed with heavy double-barreled shotguns?

L. P. WALKER.

JACKSON, MISS., *May 18, 1861.*

L. P. WALKER:

Two regiments at Corinth have arms and ammunition. I think we can send you two regiments with double-barreled guns, and know I could send you five regiments armed with muskets and rifles in ten days.

JOHN J. PETTUS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 19, 1861.

Lieut. Col. A. C. MYERS,
Acting Quartermaster-General:

SIR: Inclosed I transmit to you copy of a letter received at this Department from the Honorable Secretary of the Treasury. His

* See p. 279.

suggestions are entitled to great consideration, and I invite your special attention to them, in the hope that you may be able to carry them out.

Very respectfully, your obedient servant,

L. P. WALKER.

(Same to Lieut. Col. L. B. Northrop, Acting Commissary-General.)

[Inclosure.]

CONFEDERATE STATES OF AMERICA, TREASURY DEPT.,
Montgomery, May 18, 1861.

Hon. L. P. WALKER,
Secretary of War:

DEAR SIR: I receive intimations from New Orleans and other quarters that we can get no more money at present on the Confederate loan. This makes it an urgent necessity to husband what we have. In devising plans to that end one of the most effective would be to instruct your commissaries and quartermasters to make purchases on time and payable in bonds. Sellers constantly accept from the States and from large factors arrangements whereby they render in accounts once in six months and then take pay in time notes. Now, there is no reason that I am aware of why this cannot be done by our Government, unless it arise from large sums or from the expectation of receiving cash from the Government. I am ready to co-operate in any measures to produce the desired result, and would give your officers any benefit which my own reflections or experience could add.

With much respect, your obedient servant,

C. G. MEMMINGER,
Secretary of the Treasury.

AN ACT to admit the State of Arkansas into the Confederacy.

The people of the State of Arkansas, in sovereign convention, having passed an ordinance dissolving their political connection with the United States, and another ordinance adopting and ratifying the Constitution for the Provisional Government of the Confederate States of America: Therefore—

The Congress of the Confederate States of America do enact, That the State of Arkansas be, and is hereby, admitted into this Confederacy upon an equal footing with the other States, under the Constitution for the Provisional Government of the same.

Approved May 20, 1861.

AN ORDINANCE to dissolve the union between the State of North Carolina and the other States united with her, under the compact of government entitled "The Constitution of the United States."

We, the people of the State of North Carolina in convention assembled, do declare and ordain, and it is hereby declared and ordained, That the ordinance adopted by the State of North Carolina in the convention of 1789, whereby the Constitution of the United States was ratified and adopted, and also all acts and parts of acts of the General Assembly ratifying and adopting amendments to the said Constitution, are hereby repealed, rescinded, and abrogated.

We do further declare and ordain, That the union now subsisting between the State of North Carolina and the other States, under the title of the United States of America, is hereby dissolved, and that the State of North Carolina is in full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent State.

Done in convention at the city of Raleigh this the 20th day of May, in the year of our Lord 1861, and in the eighty-fifth year of the independence of said State.

W. N. EDWARDS,
President of the Convention.

Teste.

WALTER L. STEELE,
Secretary of Convention.

AN ORDINANCE to ratify the Constitution of the Provisional Government of the Confederate States of America.

We, the people of North Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, That the State of North Carolina does hereby assent to and ratify the "Constitution for the Provisional Government of the Confederate States of America," adopted at Montgomery, in the State of Alabama, on the 8th day of February, A. D. 1861, by the convention of delegates from the States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana; and that North Carolina will enter into the federal association of States, upon the terms therein proposed, when admitted by the Congress or any competent authority of the Confederate States.

Done at Raleigh the 20th day of May, in the year of our Lord 1861.

W. N. EDWARDS.

Teste.

WALTER L. STEELE, of Richmond,
Secretary of the Convention.
L. C. EDWARDS, of Granville,
Assistant Secretary.

MONTGOMERY, *May 20, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

Dispatch received from General Trudeau, stated to be with your approval, tendering regiment for the war, uniformed. Is this regiment armed and equipped, or either; and if not, will you arm and equip it?

L. P. WALKER.

NEW ORLEANS, *May 20, 1861.*

L. P. WALKER:

General Trudeau has sent no dispatch with my approval nor my knowledge. If he has a regiment I do not know whether it is armed or equipped. I will not arm or equip any regiment before my twelve-months' volunteers decide that they will not go for the war. I have nearly 2,500 twelve-months' volunteers in the city and the country, besides three regiments for the war. Whether I will arm any more

regiments to leave the State depends upon the number of arms I have in the arsenal. I am emphatically unwilling to leave the State without sufficient arms for home protection.

THO. O. MOORE.

MONTGOMERY, *May 20, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

Glad to know that you can arm and equip three regiments for the war. Lose no time. Trudeau telegraphed what I stated, but I have not answered him, nor shall I now.

L. P. WALKER.

NEW ORLEANS, *May 20, 1861.*

L. P. WALKER:

The Fifth and Sixth Regiments for the war are organized and will be fully equipped this week.

THO. O. MOORE.

MONTGOMERY, *May 20, 1861.*

Governor T. O. MOORE,
New Orleans:

Your dispatch just received. Is Trudeau's one of the regiments (Fifth and Sixth) named? I am glad to learn that you have two for the war.

L. P. WALKER.

NEW ORLEANS, *May 20, 1861.*

L. P. WALKER:

Trudeau is not in Fifth or Sixth Regiment, nor in any regiment mustered into the service of the State. Seventh Regiment for the war will, I think, be organized this week.

THO. O. MOORE.

[MAY 20, 1861.—For Walker to Harris, calling for troops from Tennessee, and agreeing to accept them, conditionally, for twelve months' service, see Series I, Vol. LII, Part II, p. 103.]

AN ACT to put in operation the Government under the permanent Constitution of the Confederate States of America.

The Congress of the Confederate States of America do enact, That an election shall be held in the several States of this Confederacy on the first Wednesday in November, 1861, for members of the House of Representatives in the Congress of the Confederate States under the permanent Constitution, which election shall be conducted in all respects according to said Constitution and the laws of the several

States in force for that purpose; and in States which may not have provided by law for such election, according to the laws heretofore existing in such States for the election of members of the House of Representatives in the Congress of the United States. And on the same day the several States shall elect or appoint electors for President and Vice-President of the Confederate States of America, according to said Constitution and in the manner prescribed by the laws of the several States made for that purpose; and in States where no such laws may exist, according to the laws heretofore in force in such States for the election or appointment of electors for President and Vice-President of the United States.

SEC. 2. The electors for President and Vice-President shall meet in their respective States on the first Wednesday in December, 1861, and proceed to vote for President and Vice-President, and make out lists, certify the same, and forward the same to the President of the Senate; all as directed by the said Constitution in that behalf.

SEC. 3. The members of the House of Representatives so elected, and the Senators who may be elected by the several States according to the provision of said Constitution, shall assemble at the seat of Government of the Confederate States on the 18th day of February, 1862; and the said members of the House of Representatives shall proceed to organize by the election of a Speaker, and the Senators by the election of a President of the Senate for the time being; and the President of the Senate shall, on the 19th day of February, 1862, open all the certificates; and the votes for President and Vice-President shall then be counted, as directed by said Constitution.

SEC. 4. The President of the Confederate States shall be inaugurated on the 22d day of February, 1862.

SEC. 5. *Be it further enacted*, That in case the State of Virginia shall adopt and ratify the Constitution for the permanent Government of the Confederate States of America before the elections in this act provided for, she shall be entitled to elect sixteen members to the House of Representatives; and the State of North Carolina, in like case, ten members; the State of Tennessee, in like case, eleven; and the State of Arkansas, in like case, four members; the same being upon the basis of one member for every 90,000 representative population, and one additional member for a fraction over one-half of the ratio aforesaid, in each of said States, under the census of the United States taken in 1860, and being the same basis of representation fixed for the seven original States in said Constitution for permanent Government.

SEC. 6. *Be it further enacted*, That the same rules and principles shall be observed as to the number of Presidential electors in the States aforesaid as in the other seven original States.

Approved May 21, 1861.

AN ACT making appropriations in addition to those already made for the military service of the Confederate States of America, for the fiscal year ending the 18th day of February, 1862.

The Congress of the Confederate States of America do enact, That there be appropriated for the pay of the officers and privates of 100 regiments of infantry, and for quartermaster's supplies of all kinds for the same, and transportation, including horses, wagons, harness, ambulances, and other necessary expenses, for the fiscal year ending the 18th of February, 1862, $27,932,493.12.

SEC. 2. That there be appropriated for the pay, quartermaster's supplies of all kinds, transportation, and other necessary expenses for one regiment of legionary formation, composed of one company of artillery, four companies of cavalry, and six companies of voltigeurs, $550,485.

SEC. 3. That there be appropriated for the purchase of subsistence stores and commissary property for 100,000 troops, for the fiscal year ending the 18th of February, 1862, $5,464,258.80.

SEC. 4. That there be appropriated for the ordnance service, for the fiscal year ending the 18th of February, 1862, for the preservation of public buildings, quarters, barracks, &c., at the arsenals, armories, and depots; for the repairs and preservation of ordnance stores; for the pay of clerks, draughtsmen, colorers, superintendents, overseers, &c.; for the purchase of horses, mules, forage, stationery, and contingencies of ordnance service; for the purchase of heavy ordnance and carriages, with shot and shell for the same; for sixteen field batteries of six pieces each, with harness, implements, and ammunition; for 50,000 stand of small-arms; for 5,000 pistols and holsters; for sabers, swords, carbines, and pistols; for 5,000 sets of cavalry equipments; for 5,000 sets of cavalry accouterments; for 100,000 sets infantry accouterments, knapsacks, haversacks, and canteens; for 2,500,000 pounds powder; for materials for the same; for lead, copper, and materials for percussion-caps and for friction tubes; for additional shops and store-houses at Mount Vernon Arsenal, Ala., and Augusta Arsenal, Ga.; for machinery, steam engine, and tools; for cap machine; for bullet machine; for repairs of buildings and machines at Harper's Ferry, $4,440,000.

SEC. 5. That there be appropriated for medical and hospital supplies, for the year ending 18th of February, 1862, the sum of $350,000.

SEC. 6. That there be appropriated for the contingent service of the War Department, for the year ending the 18th of February, 1862, the sum of $300,000.

SEC. 7. That there be appropriated for contingent expenses of the Adjutant and Inspector General's Department, including office furniture, stationery, printed blanks for the use of the Army, record books, postage, telegraphic dispatches, &c., for the year ending the 18th of February, 1862, the sum of $8,000.

SEC. 8. That there be appropriated for the pay of surgeons, assistant surgeons, and chaplains, for the year ending the 18th day of February, 1862, the sum of $329,901.

Approved May 21, 1861.

AN ACT to amend an act relative to telegraphic lines of the Confederate States, approved May [11], 1861.

The Congress of the Confederate States of America do enact, That the sixth section of the "act relative to telegraph lines of the Confederate States" be, and the same is hereby, so amended as to authorize the President to allow such compensation as may be reasonable and proper, in addition to what may be allowed by the telegraph companies, to such of the agents of said companies as he may charge with special and important duties, where such agents are deemed trustworthy and acceptable both to him and the companies concerned.

Approved May 21, 1861.

AN ACT concerning the transportation of soldiers, and allowance for clothing of volunteers, and amendatory of the act for the establishment and organization of the Army of the Confederate States.

The Congress of the Confederate States of America do enact, When transportation cannot be furnished in kind, the discharged soldier shall be entitled to receive 10 cents per mile in lieu of all traveling pay, subsistence, forage, and undrawn clothing, from the place of discharge to the place of his enlistment or enrollment, estimating the distance by the shortest mail route, and if there is no mail route, by the shortest practicable route. The foregoing to apply to all officers, non-commissioned officers, musicians, artificers, farriers, blacksmiths, and privates of volunteers, when disbanded, discharged, or mustered out of service of the Confederate States; and it shall also apply to all volunteer troops, as above designated, when traveling from the place of enrollment to the place of general rendezvous or point where mustered into service: *Provided*, That nothing herein contained shall be so construed as to deprive the mounted volunteers of the allowance of 40 cents a day for the use and risk of his horse, which allowance is made from the date of his enrollment to the date of his discharge, and also for every twenty miles' travel from the place of his discharge to the place of his enrollment.

SEC. 2. That the fourth section of the act of March 6, 1861, "to provide for the public defense," be amended as follows, viz: There shall be allowed to each volunteer, to be paid to him on the first muster and pay rolls after being received and mustered into the service of the Confederate States, the sum of $21, in lieu of clothing for six months; and thereafter the same allowance in money at every subsequent period of service for six months in lieu of clothing: *Provided*, That the price of all clothing in kind received by said volunteers from the Confederate States Government shall be deducted first from the money thus allowed; and if that sum be not sufficient, the balance shall be charged for stoppage on the muster and pay rolls; and that all accounts arising from contracts, agreements, or arrangements for furnishing clothing to volunteers, to be duly certified by the company commander, shall be paid out of the said semi-annual allowance of money.

SEC. 3. That the twenty-first section of the act for the organization of the Army of the Confederate States be so amended as to allow to aides-de-camp and to adjutants forage for the same number of horses as allowed to officers of the same grade in the mounted service.

Approved May 21, 1861.

AN ACT to be entitled an act to amend "An act to raise an additional military force to serve during the war."

The Congress of the Confederate States of America do enact, That so much of the second section of the act entitled "An act to raise an additional military force to serve during the war," passed May 8, 1861, be so amended as to authorize the President, on the application of any commanding officer of a regiment or battalion authorized by said act, to assign a subaltern of the line of the Army to the duties of adjutant of said regiment or battalion.

Approved May 21, 1861.

AN ACT to authorize the President to confer temporary rank and command for service with volunteer troops on officers of the Confederate Army.

The Congress of the Confederate States of America do enact, That the President shall be authorized to confer temporary rank and command, for service with volunteer troops, on officers of the Confederate Army, the same to be held without prejudice to their positions in said Army and to have effect only to the extent and according to the assignment made in general order.

Approved May 21, 1861.

AN ACT to amend an act entitled "An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods, approved May 6, 1861."

The Congress of the Confederate States [*of America*] *do enact*, That the tenth section of the above-entitled act be so amended that, in addition to the bounty therein mentioned, the Government of the Confederate States will pay to the cruiser or cruisers of any private armed vessel commissioned under said act 20 per centum on the value of each and every vessel of war belonging to the enemy that may be sunk or destroyed by such private armed vessel or vessels, the value of the armament to be included in the estimate; the valuation to be made by a board of naval officers appointed and their award to be approved by the President, and the amount found to be due to be payable in 8 per cent. bonds of the Confederate States.

SEC. 2. That if any person who may have invented or may hereafter invent any new kind of armed vessel, or floating battery, or defense, shall deposit a plan of the same, accompanied by suitable explanations or specifications, in the Navy Department, together with an affidavit setting forth that he is the inventor thereof, such deposit and affidavit (unless the facts set forth therein shall be disproved) shall entitle such inventor or his assigns to the sole and exclusive enjoyment of the rights and privileges conferred by this act, reserving, however, to the Government, in all cases, the right of using such invention.

Approved May 21, 1861.

AN ACT to prohibit the exportation of cotton from the Confederate States except through the sea-ports of said States, and to punish persons offending therein.

The Congress of the Confederate States of America do enact, That from and after the 1st day of June next, and during the existence of the blockade of any of the ports of the Confederate States of America by the Government of the United States, it shall not be lawful for any person to export any raw cotton or cotton yarn from the Confederate States of America except through the sea-ports of the said Confederate States; and it shall be the duty of all the marshals and revenue officers of the said Confederate States to prevent all violations of this act.

SEC. 2. If any person shall violate or attempt to violate or evade the provisions of the foregoing section, he shall forfeit all the cotton or cotton yarn thus attempted to be illegally exported for the use of the Confederate States; and in addition thereto he shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding $5,000, or else imprisoned in some public jail or penitentiary for a period not exceeding six months, at the discretion

of the court, after conviction upon trial by a court of competent jurisdiction.

SEC. 3. Any person informing as to a violation or attempt to violate the provisions of this act shall be entitled to one-half the proceeds of the articles forfeited by reason of his information.

SEC. 4. Any justice of the peace, on information under oath from any person of a violation or attempt to violate this act, may issue his warrant and cause the cotton or cotton yarn specified in the affidavit to be seized and retained until an investigation can be had before the courts of the Confederate States.

SEC. 5. Every steam-boat or railroad car which shall be used with the consent of the owner or person having the same in charge for the purpose of violating this act, shall be forfeited in like manner to the use of the Confederate States. But nothing in this act shall be so construed as to prohibit exportation of cotton to Mexico through its coterminous frontier.

Approved May 21, 1861.

AN ACT to provide for the cession, on the part of the State of Arkansas, of the arsenal at Little Rock, and of Fort Smith at the city of Fort Smith, in the State of Arkansas, to the Confederate States of America, and the acceptance of the same by the said Confederate States.

Whereas, by ordinance of the convention of the State of Arkansas, passed the 11th day of May, 1861, herewith submitted, authority was conferred upon the delegation of the State of Arkansas to cede to the Confederate States the arsenal at Little Rock, and Fort Smith at the city of Fort Smith, in the State of Arkansas, and the grounds, buildings, and appurtenances attached to each, in accordance with the terms of said ordinance: Therefore,

The Congress of the Confederate States of America do enact, That the cession as hereinbefore recited is hereby accepted, and it is now made the duty of the Secretary of War to accept a deed of cession of the said arsenal and other property to be executed by the said delegation, and to take charge of and hold the same in the name of the Government of the Confederate States of America.

Approved May 21, 1861.

AN ORDINANCE of the Convention of the Congress of the Confederate States.

Be it ordained by the Congress of the Confederate States of America, That the second paragraph of the first section of the third article of the Constitution of the Confederate States of America be so amended in the first line of said paragraph as to read, "Each State shall, until otherwise enacted by law, constitute a district;" and in the sixth line, after the word "judge," add "or judges."

Approved May 21, 1861.

A RESOLUTION to provide for the removal of the seat of Government.

Resolved by the Congress of the Confederate States of America, That this Congress will adjourn on Tuesday next, to meet again on the 20th day of July, at Richmond, Va.; and that a committee of

three members of this Congress be appointed to make suitable arrangements for the accommodation of this Congress and of the several Executive Departments.

Resolved, further, That the President be, and he is hereby, authorized to cause the several Executive Departments, with the archives thereof, to be removed, at such time between this and the 20th day of July next as he may determine, to Richmond: *Provided, however*, That in case of any public emergency which may, in the judgment of the President, render it impolitic to meet in Richmond, the President shall have power by proclamation to call the Congress together at some other convenient place to be selected by him.

Approved May 21, 1861.

LONDON, ENGLAND, *May 21, 1861.*

OFFICER OF ARTILLERY IN CHARGE OF ORDNANCE BUREAU, C. S. A.:

SIR: In compliance with instructions from the War Department I left Montgomery on the —— of April, on my way to Europe, via New York. It was my intention to have left New York by the steamer Persia on the 24th of April. I became satisfied, however, after arriving in that city, that it would be very imprudent for me to attempt to sail from that port; and acting under the advice of the gentlemen through whom my financial arrangements were made, I left New York for Canada on the evening of the same day that I arrived. From Canada I went to Portland, and there took passage in the steamer of the 27th. I arrived in Liverpool on the 10th of May, and at once put myself in communication with the house of Fraser, Trenholm & Co., on whom I had letters of credit. I found these gentlemen, and especially Mr. Prioleau, member of the firm, ready to do everything in their power to assist me in carrying out successfully the object of my mission. On presenting my letters it appeared that I had actually but £10,000 with which to purchase arms, &c.

The letter of the Secretary of the Treasury to Messrs. Fraser, Trenholm & Co., informing them that my drafts on the C. S. Treasury would be honored to the amount of $200,000, would, I was assured by Messrs. Fraser, Trenholm & Co., be of no value in a commercial transaction. They expressed themselves disposed, however, to do everything for me in their power. I left Liverpool the same day for London, and called on Mr. Yancey, of the commission from the Confederate Government. I then lost no time in possessing myself of information concerning the possibility of obtaining arms and artillery in England. A very short time sufficed to satisfy me that of small-arms there were none in market of the character and quality required by the Department. There were muskets to be purchased in any quantity, called by different names. I heard of not a few Enfield rifles. These, when I came to examine them, I found to be for the most part altogether worthless. I could have purchased a few, perhaps 500, short Enfields of good quality. To ship so small a quantity as that, however, after the proclamation of the British Government, would have been an impossibility.

After fully satisfying myself that small-arms that I was willing to send to the Confederacy were not to be had either in England or Belgium, I made inquiries at the London Armory Company for Enfield rifles to be manufactured by them. This establishment is in some respects superior to every other musket manufactory in the world, and

in every respect is equal to the Government works at Enfield. Since it was first put in operation it has been constantly employed by the British Government, and they have work on hand for this Government which will require eighteen months to complete. The rifles made at this establishment interchange in every part and with perfect accuracy. The importance of the principle of interchange of parts I need not dwell upon. It is fully recognized by the war departments of every civilized nation. The London Armory Company is the only establishment in Europe, excepting the Government armories, that works upon this principle. It seems to me highly important to obtain rifles from this company, if possible. I found that they were willing to entertain a proposition for 10,000, but not for anything less than that number. After conferring freely with the commissioners and receiving from them an entire approval of my action, I proposed to take from the London Armory Company 10,000 Enfield rifles of the latest government pattern, with bayonet, scabbard, extra nipple, snap-cap, and stopper complete for £3 16s. 6d. This price is somewhat above the limit given in my instructions from Major Gorgas, and I engaged to take 10,000 instead of 8,000. Under all the circumstances, I believed myself not only justified, but required, to go beyond my orders.

The necessity of the Confederacy arming at once is so great, judging from the accounts that appear in the papers, that if I could in any way obtain arms that I thought would be serviceable I should purchase without delay, and I have little doubt that I would be able to send or bring them to some port of the Confederacy. The arms are not to be had, however. Everything has been taken by the agents from the Northern States, and the quantity which they have secured is very small, and many of them of indifferent quality. They have paid enormous prices, and worthless muskets are now held at fabulous prices. One man had orders to purchase 60,000. They were not to be had. He would have contracted with the London Armory Company for all that they could furnish for a year to come, but his instructions were to obtain the whole number within two months. The next steamer will without doubt, as I learn from a reliable source, bring orders for him to close with that company. The greatest number this company can supply is about 1,300 per month. They are under a contract to supply the North with 100 per week for three months, the contract to cease with one week's notice. If the company accepts my proposition this notice will be given, and at least 1,200 Enfield rifles that would go North will be secured for the Confederate Government. The company will accept my proposition if they can obtain a release from their contract with the Government. This they have no doubt they will be able to obtain. Application has been made, and an answer will be obtained in a day or two. If I could have offered to take 20,000 they would have broken with the Government. This, however, was so far beyond my instructions that I could not make the offer.

The cost of the 10,000 will be about $195,000. I brought with me but $50,000. Bill of exchange for $50,000 more has since arrived. Even this would have been quite insufficient for me to do anything with had it not been for Mr. Prioleau, of the firm of Fraser, Trenholm & Co. This gentleman has most generously assumed the responsibility of the entire contract. I beg leave to express the hope that the Government of the Confederacy will lose no time in forwarding to me $100,000, that I may deposit the same with Messrs. Fraser, Trenholm & Co., to meet the payments as they come due. Since Messrs. Fraser, Trenholm & Co. are really taking upon themselves the responsibility

of paying a very large sum of money without having received negotiable paper for one dollar of the amount, it would be an act of ingratitude on the part of the Confederate Government, which I am sure it will never be guilty of, to allow any more time to elapse than is absolutely necessary before sending forward the entire amount. Besides this amount for meeting the payments for the muskets, it will be necessary for me to have a further remittance of a considerable amount. I do not think $100,000 would be any too large a sum.

I hope the Department will entirely understand how it happens that I have so violated my instructions. I found it impossible to purchase immediately. There is no other company in all Europe so fair in its dealings and so able to do good work as the one with which I hope to contract. The price is as low as the muskets can be had, for no other company is able to furnish muskets that are interchangeable in their parts. The pattern is the most approved Enfield, actually interchangeable with those made at Enfield. Before acting I consulted the commissioners from the Confederacy, and received their full approval of my course in the matter.

The agent sent by the United States Government to purchase arms is the best man for the duty that could have been selected, namely, Mr. McFarland, who was the superintending engineer of the London Armory during its erection and until it was in complete working order. His instructions to make a similar contract with that company for the United States Government will come too late. In my contract I specify that I shall be the preferred purchaser for from 6,000 to 10,000 in addition to the number now ordered. If I could contract for the entire 20,000 I think I could secure them at 70 shillings, and if the Confederate Government intends to purchase a further supply, I would respectfully suggest that the great importance of interchange of parts, in a country where repairs of arms will be for many years a great expense, should be fully considered. Even in England, a nation of workers in metals, this principle is considered invaluable. In the present condition of affairs I do not think it possible to send a sample to Montgomery. I shall avail myself of the first opportunity to do so.

In the matter of artillery, I have no money to purchase, and if I had it would be impossible to ship in British vessels. If I had the entire order of muskets and artillery ready for shipment I could arrange everything. It will be, however, for some time to come impossible to send any small lot of anything contraband of war. Whenever I have anything to ship I shall have the able assistance of Messrs. Fraser, Trenholm & Co. Their experience and enthusiasm will enable them to do what no other house in England would undertake. Already their assistance has been invaluable to me. Without them I could have done nothing.

I have in my possession detailed drawings of the Armstrong gun, which I shall copy and forward by the first opportunity. I shall also be able to send with these full descriptions of the mode of manufacture, as given by Sir William himself, and drawings of his fuse. These latter are not yet in my possession. Owing to my time having been entirely taken up in making arrangements for small-arms I have not been able to do much in artillery. There seems to be no doubt, however, from the inquiries I have made, that the British Government has entire confidence in the Armstrong gun. To the large guns there appears to be some objection. I shall soon be able to inform myself fully concerning the Armstrong and the several other guns that are now before the "select committee."

I was shown this morning a new segment shell, invented by Mr. Breton. It appears to be possessed of all the advantages of the Armstrong against troops, and is much more simple and less expensive. The exterior is of cast-iron, of the shape of the projectiles used in the gun sent by Mr. Prioleau to Charleston, and which was used in the bombardment. It is made as thin as possible not to be broken in the gun. Inside the shell is a second shell, made in segments, also of cast-iron. There are nine of these segments, each of which consists of six parts, or rather each of which will easily break into six parts. Thus A* is one of the segments, made of brittle cast-iron; *c*, *c*, and *c*, are disks of sheet-iron, around which the cast-iron is poured. The cast-iron does not adhere to the cold wrought-iron, and the segment when taken from the mold is an arch, the *voussoirs* of which are of cast-iron. These *voussoirs* are connected at the back, the wrought-iron partitions not coming quite through to the back of the arch.

Nine of these segments are placed together, forming a body, the exterior orifice of which is to fit the interior of the outer shell. The interior space is filled with sand. This mass of segments and sand forms the core of the shell. A mold is now made, and the shell completed as if an ordinary sand-core had been used. It is evident that the shell is very strong to resist pressure from the exterior, but very weak in the opposite direction. The principle may be applied to projectiles for either muzzle-loading or breech-loading guns. When used for muzzle-loaders, the same arrangement is adopted by Mr. Breton as in the case of the projectiles for the Blakely gun.

I have met Captain Blakely and have conversed with him about his gun. As yet I have failed to see anything in his principle which would cause me to purchase his cannon. He uses the same principle that Armstrong employs—of wrapping an interior core with wrought-iron spirals—and in fact he claims the merit of the invention. The chief difference appears to be that Captain Blakely uses a cast-iron core, while Sir William has a wrought-iron centerpiece. The Northern States have purchased some Clay breech-loaders, I am informed, at enormous prices. From the accounts I have received of them, and from a cursory inspection of one, I should think the men about the breech would stand a little better chance than the enemy, but that the difference would be very slight. I am told that they were invoiced as Armstrong guns. The true Armstrong cannot be had. I think, however, that they can be manufactured from the drawings which I shall send to the Department.

I am, very respectfully, your obedient servant,

C. HUSE,
Captain, C. S. Army.

TALLAHASSEE, FLA., *May 21, 1861.*

Hon. L. P. WALKER:

DEAR SIR: As we are in want of arms and munitions of war, and cannot procure them from abroad through the usual channel of our own ports in consequence of the blockade, allow me to suggest to you the feasibility of making use of the neighboring Mexican port of Matamoras for that purpose. An agent in England might purchase all the articles required by us and consign them to a similar agent in Matamoras, whence they could be readily sent across the Rio Grande

*Diagram omitted.

into Texas and then distributed by land conveyance to any part of the Confederate States. This might be attended with some expense, but in time of need we must do the best we can. I presume the Government of Mexico would throw no unnecessary impediment in the way. Of course, the whole proceeding would have to be managed in the most secret manner and the part of the Government of the Confederate States not known [in] it.

Hoping you will receive these suggestions in the spirit with which they are dictated,

I am, yours, most respectfully,

WM. F. ROBERTSON.

MILLEDGEVILLE, *May 21, 1861.*

Hon. L. P. WALKER:

Your letter received. The saltpeter and sulphur now worth in market twice what the State paid. You must take it and the ordnance and ammunition and boat together at the price the State paid for all. Will accept C. S. bonds for price of boat; balance in cash.

JOSEPH E. BROWN.

MONTGOMERY, ALA., *May 21, 1861.*

Hon. JEFFERSON DAVIS,

President Confederate States of America:

SIR: Desirous of contributing by every means in my power to the defense of my country, and believing I had perfected a plan by which the enemy's blockading navy might be driven from our coasts, I have visited the capital, bringing with me my plans and models, which I have for several days had exposed before the Secretary of the Navy. I am not informed if that gentleman thinks favorably of them or not, or, if he has, what he deems a more feasible plan than mine which he can put in execution in a reasonable time. I have had a long experience as a boatman on all the rivers of the South. I also have some experience with gulf and sound navigation, and basing my calculations upon experience and not upon theory, I assure you that I am satisfied of the success of what I propose. We have no time, place, or means to build an effective navy. Our ports are, or soon will be, all blockaded. On land we do not fear Lincoln, but what shall we do to cripple him at sea? In this emergency, and seeing that he is arming many poorly adapted vessels, I have for two months past been entirely engaged in perfecting plans by which I could so alter and adapt some of our heavy and powerful tow-boats on the Mississippi as to make them comparatively safe against the heaviest guns afloat, and by preparing their bow in a peculiar manner, as my plans and model will show, render them capable of sinking by collision the heaviest vessels ever built. I had hoped to have been able to have satisfied the proper Department of the Government to have fit out three such boats as I propose (which would be sufficient), inasmuch as the expenditure would be of the whole, including purchase of the boats, alterations, and outfit, only about $200,000. I have examined nearly all of the boats and propellers about the port of New Orleans. There are not many well adapted on account of their machinery; still there is sufficient amongst them for our use. I would not contemplate going far to sea; it would not be necessary; still our boats would be competent

to do so on short excursions of 50 or 100 miles. It would be tedious to give in full my plans for operating with our boats when ready. It would be mainly in the night, and by precipitate and silent approach. I have offered, and do again offer, to our Government my plans and my services to assist to prepare such boats, and to go in them when ready free of any remuneration. Should the Government, however, not deem it practicable, and not be disposed to fit out such boats, I shall with some associate attempt it as a private enterprise under an act which our Louisiana delegation is getting passed, and which was suggested by me, giving a fair compensation for the sinking of war vessels of the enemy, and I predict that under the act alluded to many adventures will be fit out by private enterprise, and that in this way the Government will find springing into sudden existence a very powerful means of defense.

Respectfully, yours,

JNO. A. STEVENSON,
51 Carondelet Street, New Orleans.

P. S.—I leave for New Orleans this evening, but have left my drawings and model in the office of the Secretary of the Navy.

J. A. S.

SPECIAL ORDERS, No. 56. } ADJT. AND INSP. GENERAL'S OFFICE,
Montgomery, May 22, 1861.

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V. Brig. Gen. S. Cooper is assigned to duty as Adjutant and Inspector General from March 16, 1861.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

MONTGOMERY, *May 22, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville:

General Wayne, in his letter of the 7th, distinctly stated that we should have saltpeter and sulphur. You now require me to take the steam-boat, for which we have no use. I trust you will not insist on what under the circumstances is impossible.

L. P. WALKER.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 22, 1861.

His Excellency JOSEPH E. BROWN,
Governor of Georgia:

SIR: I have the honor to acknowledge Your Excellency's favor of the 15th of May, and can well appreciate the embarrassment under which Your Excellency labors in respect to the apparent conflict of the rules of this Department as to periods of service in the Army, but a brief explanation of the matter, I feel quite sure, will relieve this difficulty in your mind. Congress in the beginning, as you are aware, passed bills with regard to the organization of a "regular army"

and the raising of "provisional forces." Afterward a further bill was passed to "provide for the public defense," under which requisitions were authorized for troops to serve twelve months. More recently amendatory acts have been passed, giving to this Department the discretionary power to receive forces for the war.

So long as hostilities with the North were only apparent, this Department proceeded to act simply in the line of the organization of the Regular Army, and in providing temporary forces for the recovery of our forts, arsenals, and dock-yards; but, with the reduction of Sumter, it soon became necessary to make requisitions, under the act to provide for the public defense, for troops to serve for the more extended period of twelve months. While this Department was thus engaged in receiving companies, battalions, and regiments, it was scrupulous not to accept independent corps, and it always replied to such offers, as it did to Colonel Gartrell, that no troops could be received from within the limits of the Confederate States save through the several State Executives. The Congress now assembled, and in view of the proclamation of Mr. Lincoln at Washington calling for enrollments for three years and enlistments for the war, indicating preparations on the part of the enemy for a prolonged contest, our representatives, in their wisdom, passed amendatory laws authorizing this Department to receive volunteers for the war. They moreover, in order to facilitate the formation of forces capable of meeting the enemy, invested this Department with the further power of accepting direct tenders without the intervention of State executive authority.

It should not be forgotten that these things have all transpired in the course of three months, the one rule and the one line of action following rapidly upon the heel of the other and being well calculated to create the impression of a want of persistency in the Government upon the subject of military services. The determination of this Department finally reached, in view of the whole question in its multiplied relations, is that troops armed and equipped by the Government must serve for the war, but volunteer corps may be received to serve for twelve months who present themselves ready armed and equipped. It is properly the policy of the Government to arm those troops that are willing to serve for the war in preference to those who offer only for twelve months. The supply of arms is not superabundant, and from present indications it is believed that the number offering for the war will be more than sufficient to exhaust our supply of arms. This result may follow without giving us all the men in the field we desire to place there, and the deficiency may be supplied by receiving troops, already armed and equipped, to serve for twelve months.

It is evident the Government at Washington is preparing for a prolonged and bloody war. The proclamation of Mr. Lincoln calling for enrollments for three years and enlistments for the war clearly shows a resolution to convert all their forces from the character of raw militia and volunteers into trained and disciplined regulars. Through this movement Your Excellency will perceive they at one and the same time inure their troops to campaign life and the battle-field and promote economy of administration. Their calculation is that often heretofore made, and was notably practiced by the Roundheads against the Cavaliers through the genius and skill of Cromwell. It is supposed now, as then by that great captain, that the impetuosity and superior dexterity of our men in the use of arms will cause the earlier victories to lean to our side, but that trained, disciplined, and solid battalions will prove in the end triumphant. Nor will it be denied

that the heaviest relative expense of an army is demanded during the year of its general enrollment and equipment. For us to disband each of our regiments at the end of twelve months' service would be to entail upon the Government the largest yearly expenditures and to keep our armies constituted for the most part of raw recruits, while the adversary was constantly diminishing his relative expenditures and advancing more and more in every element that constitutes effectiveness. Under these circumstances we should of course, as near as may be done and as we have been doing from the first, conform our periods of service in the field to those of the enemy, thus at all times securing for our soldiers the advantage of their original superiority.

With this exposition before you I trust Your Excellency will think proper to countermand General Orders, No. 8, issuing from the office of your adjutant-general.* That Your Excellency caused these orders to issue under misapprehension as to the action of this Department I have never doubted. If they had been issued because of attempts made by this Government to enlist troops in Georgia under the act of Congress "to provide for the public defense," and the requisitions of the President in accordance therewith, without consultation with Your Excellency or regard to your wishes, they would be considered here, however impolitic, as sternly just. But presented in the face of the law of Congress, which anticipates and permits the arming of troops by the States from whence they are called by this Government, and in negation of the recent acts of Confederate wisdom empowering this Department to receive volunteer corps without intermediate consultative delays, I cannot do otherwise than express my profound regret at their existence. In the passage of the laws of Congress controlling this Department the representatives of Georgia concurred, and I assure Your Excellency I know of no consideration extended elsewhere by the Confederate Government and withheld from Georgia. Every effort of State as well as Confederate authority is demanded for the maintenance of our independence of a power whose chief element of political rule is the sword of despotism, and yet under these orders companies in Georgia armed for the desperate struggle are disarmed by Your Excellency. I sincerely hope Your Excellency will consider them no longer necessary either to the security or dignity of Georgia.

I have the honor to be, with high consideration and respect, your obedient servant,

L. P. WALKER.

AN ORDINANCE for the relief of such citizens of the State of Arkansas as may be engaged in the military service of the State of Arkansas or of the Confederate States.

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That hereafter no writ of attachment shall issue against the property of any citizen of this State, unless the creditor or some other person for him shall, in the affidavit now required by law, further state and swear that the defendant is not engaged in the military service of the State of Arkansas or of the Confederate States.

SEC. 2. *Be it further ordained*, That service of any writ or notice upon a citizen of this State who is engaged in the military service of this State or the Confederate States shall be by delivering to such person a true copy of such writ or notice, and such service may be

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*See Series I, Vol. LII, Part II, p. 97.

proven by any officer now authorized by law to serve process or by the return of any commissioned military officer of this State or the Confederate States.

SEC. 3. *Be it further ordained*, That it shall be good cause for continuance of any cause pending in any court that a defendant is in the military service of this State or the Confederate States, that he has a meritorious defense, and that the same cannot be made without his personal attendance, which facts shall be verified by affidavit of the defendant or some person for him, and that the affidavit provided for in this section may be made before any military officer in the service of this State or of the Confederate States, or any civil officer authorized by any State in the Confederacy to administer oaths without further authentication.

SEC. 4. *Be it further ordained*, That all statutes of limitation and non-claim be suspended in favor of and against all persons engaged in the military service of this State or of the Confederate States during the time of their service.

SEC. 5. *Be it further ordained*, That no execution shall issue against the property of any citizen of this State while in the military service of this State or of the Confederate States, unless the plaintiff or some other person for him shall, at the time of applying for such writ, make and file an affidavit that the property of the defendant is about to be removed from the county, the truth of which allegation may be tried by a jury when demanded by the defendant or some person for him before the tribunal to which such execution or process may be made returnable.

SEC. 6. *Be it further ordained*, That in any case where a suit may be pending, or may hereafter be instituted, in any court in this State, against two or more persons, a part of whom may be in the military service of the State of Arkansas or of the Confederate States, it shall be lawful for the plaintiff or plaintiffs to dismiss said suit as to such of the defendants as may be engaged in such military service, and proceed against the others to final judgment and execution, as now provided for by law.

SEC. 7. *Be it further ordained*, That in all cases where it shall appear that the judgment debtor in service is not the sole principal debtor, an execution may issue by order of court, after notice against the remaining judgment debtors, but not against the person in such service.

SEC. 8. *Be it further ordained*, That in all cases where an execution shall be issued against a person who shall thereafter, before sale, enter the military service of this State or of the Confederate States, the officer having said execution shall not enforce the same against the property of such person.

SEC. 9. *Be it further ordained*, That nothing in this ordinance shall be so construed as to prevent the due collection of taxes.

SEC. 10. *Be it further ordained*, That this ordinance may be repealed in part or in whole, by legislative enactment, and shall be in force from and after its passage.

Adopted and passed in and by the convention on the 23d day of May, A. D. 1861.

DAVID WALKER,
President of the Convention of the State of Arkansas.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Arkansas State Convention.

AN ORDINANCE to suspend the operations of an act of the General Assembly entitled "An act amendatory of the militia laws of the State of Arkansas," approved the 21st of January, 1861.

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the act of the General Assembly of said State, approved on the 21st day of January, A. D. 1861, entitled "An act amendatory of the militia laws of the State of Arkansas," be, and the same is hereby, suspended until the further order of this convention or of the General Assembly of this State.

SEC. 2. *Be it further ordained*, That the auditor of public accounts be, and he is hereby, prohibited from drawing warrants on the treasurer under the provisions of said act while the same is suspended, as provided in the first section of this ordinance.

SEC. 3. *Be it further ordained*, That this ordinance be in force from and after its adoption.

Adopted and passed in and by the convention on the 23d day of May, A. D., 1861.

DAVID WALKER,
President of the State Convention of Arkansas.

Attest.

ELIAS C. BOUDINOT,
Secretary of the State Convention of Arkansas.

MONTGOMERY, *May 23, 1861.*

Governor M. S. PERRY,
Tallahassee, Fla.:

I have accepted the regiment armed and equipped. If you can arm another regiment I will accept it, but cannot do so unless you do. The regiment I accepted was ordered for duty in your State.

L. P. WALKER.

ABERDEEN, *May 23, 1861.*

Hon. JEFFERSON DAVIS:

DEAR SIR: The future policy of the Government in regard to the acceptance of volunteers demands immediate and explicit explanation. The various and conflicting reports upon the subject, in this county at least, and I presume generally, are greatly dampening and deranging the spirit of our people and the position of enlisted volunteers. It also has confused that definiteness of object and accuracy of information by which we have been able to satisfy the questionings of the masses. I have taken an active part in all the movements and discussions in this county. Five companies have been raised of about 100 each. One was called into actual service some time since; another has received its summons to the field to-day. It is now declared that no more troops for twelve months will be accepted. I have seen the order of the Department, said to be in synopsis, saying that troops for three years or during the war would be accepted by the General Government upon a direct tender. The idea of a determination not to accept twelve-months' troops, with a variety of qualifications, conditions, &c., is now prevalent among our troops and people. What are the facts, all the facts, the whole truth, I am not advised. Under this uncertainty you will perceive that the drill that was going on with our present companies has stopped. Further enlistments, speeches, and public gatherings have stopped. The making of uniforms and the subscribing of money have stopped. In a word, all the companies

in this county volunteered for twelve months, and if no other call for volunteers upon the States for that length of time will be made, then is our past labor in vain. The companies will have to be disbanded and reorganized upon the basis decided by the Government. I presume that the action of the Department relates simply to such volunteers as shall be tendered directly to the General Government, leaving such requisitions as may be made upon the States to be filled upon such terms as may be obtained. If I am apparently criminally ignorant of facts, for information in regard to which I am now trespassing upon you, my almost constant absence from home and inability to obtain on my return even the newspapers of the day must plead in extenuation of my offense. I am clearly in favor of obtaining volunteers for the war, but it is now a most delicate step. After so long a peace, and in view of the sacrifices made by so large a portion of our volunteers in leaving home at all, the idea of an indefinite absence or a protracted absence is not eagerly embraced by the comparatively lethargic masses of our rural population. The pride of intellect, position, and education will only acutely feel its necessity and spring with alacrity to a post of such danger and sacrifice. Again, the honor of the position will be vastly dimmed and depressed by its contrast with the higher post of a soldier for the war. It might be that but few would enlist for the war and none for a less term of service, but the incalculable advantage of such an organization over the gathering and dissolving scenes which take place in an army under limited and short enlistments of its soldiery, I believe justify an attempt to reorganize companies already formed for twelve months' service upon the more permanent basis. But I am writing too much and about matters with regard to which I have little knowledge. Give me the information sought, advise what is best, and at your earliest convenience. Governor Pettus, it is stated, has declared his determination not to accept any more twelve-months' volunteers. If that be so, then twelve-months' volunteers are at an end. It seems to me this was not an advisable step unless he has full and certain information that he can get all you may ever want of another description. My information in this section of the State is not of that character. I may not rely as implicity upon the ardor and enthusiasm of the masses as others; and let the leaders in the States whose breasts are charged with the electricity of the war cloud not make their own maddened pulses the standard by which to estimate the temperament and emotions of the vast masses of the peaceful peasantry of the country. But enough.

Yours, sincerely,

JAMES PHELAN.

[Indorsement.]

General COOPER:

Please make a full and definite reply.

J. D.

RALEIGH, N. C., *May 23, 1861.*

His Excellency JEFFERSON DAVIS,
President Confederate States of America:

SIR: It is made my pleasing duty, as president of the North Carolina State convention, to transmit to you two ordinances,* unanimously passed by that body, and I have charged T. B. Venable, esq.

*See May 20, pp. 335, 336.

(special messenger), with the delivery of the same. I avail myself of the occasion to express the very high gratification I feel in being able to announce to you the accession of this ancient State to the Confederate States of America; and most devoutly do I pray that this union, strengthened by all the kindred ties of climate, pursuits, and institutions, may perpetually "promote the general welfare and secure the blessings of liberty to our people and their posterity."

To which I beg leave to add assurances of the very high consideration with which I am, your obedient servant,

W. N. EDWARDS,
President of the Convention.

NEW ORLEANS, *May 24, 1861.*

L. P. WALKER:

Fourth Regiment is ready. Lieutenant Phifer says his instructions are to muster it in for the war. It was accepted for twelve months by your dispatch of May 16. Have the proper order issued to the mustering officer.

T. O. MOORE.

MONTGOMERY, *May 24, 1861.*

Collector F. H. HATCH,
New Orleans:

Ship Windsor Forest cleared from Liverpool on 27th of April, with munitions of war for this Government. Her charter was for Quebec; really, however, for Southern port. Her real course to the Gulf lies by the south side of Cuba. She will be near Cape San Antonio by the 1st of June. She should be advised of blockade. Can you put pilot-boat on this duty?

L. P. WALKER.

MONTGOMERY, *May 24, 1861.*

Governor JOHN LETCHER,
Richmond:

Can you arm 5,000 troops from Confederate States?

L. P. WALKER.

RICHMOND, *May 24, 1861.*

Hon. L. P. WALKER:

We can arm 5,000 troops with flint-lock muskets.

JOHN LETCHER.

GENERAL ORDERS,
No. 8.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Montgomery, Ala., May 25, 1861.

The several bureaus of the War Department, together with the officers attached thereto, will with the least delay practicable move to Richmond, Va., where they will take post until further orders.

By command of the Secretary of War:

S. COOPER.

[MAY 25, 1861.—For Walker to Johnson *et al.* (military commission of Arkansas) in relation to acceptance of two regiments for the Confederate service, see Series I, Vol. III, p. 584.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 25, 1861.

His Excellency JOSEPH E. BROWN,
Governor of Georgia, Milledgeville:

SIR: Understanding your resolution not to permit any troops in Georgia now armed by you to leave that State with their arms, and the immediate necessities of the public service requiring troops that are armed, while this Department has but a limited supply of muskets at its disposal, I have to say to Your Excellency that all the regiments you will present armed and equipped will be received into the Confederate service for twelve months, although it is highly desirable they should be enrolled for the war. I trust Your Excellency, with your usual promptness of action, will respond to this overture.

Respectfully,

L. P. WALKER.

MONTGOMERY, *May 25, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

How many regiments for the war can you arm and equip, and if not for the war for twelve months?

L. P. WALKER.

NEW ORLEANS, *May 25, 1861.*

L. P. WALKER:

I have three regiments for the war. My twelve-months' companies were disbanded yesterday. Let me know how many twelve-months' regiments you want. I may be able to stop my disbanded companies. Call on me for twelve-months' men—one, two, or three regiments, if you want that many. Whatever I can furnish I will. I am sure I can furnish three, unless the men are so demoralized by the necessity I was under to disband them that they may refuse to go; but call for what you want. Answer immediately.

THO. O. MOORE.

MONTGOMERY, *May 25, 1861.*

Governor THOMAS O. MOORE,
New Orleans:

I am much obliged for the three regiments for the war. Will take any number armed and equipped for twelve months. Want of arms necessitates this change. Troops for the war you will order to Richmond as fast as they are mustered into the service. I leave for Richmond Monday night.

L. P. WALKER.

CUSTOM-HOUSE, COLLECTOR'S OFFICE,
New Orleans, May 25, 1861.

Hon. L. P. WALKER,
Secretary of War, Montgomery, Ala.:

SIR: Your dispatch of yesterday came to hand last night. My purpose was quickly taken, viz, to ask unlimited control of the light schooner W. R. King; to transfer her to a British subject, and clear her under the British flag for Santiago de Cuba or some port in the West Indies in ballast, and dispatch her under sealed orders in charge of a reliable man, to cruise in the line of the course indicated for the Windsor Forest. My arrangements are all made, stores are ordered, my men selected, and one of our most respectable English merchants has agreed for the time being to assume the ownership of the vessel. I now only wait an answer to my dispatch of this morning for authority to act. The schooner by good fortune is now lying at Berwick's Bay, making her departure more secure and certain. In all this I have acted in consultation with Commander Semmes, in whose good judgment and discretion I have great confidence. I consider this plan safe, expeditious, and economical. The propriety of sending a fast steamer to take the Windsor Forest in tow or to convoy her to some safe port will be the subject of a future letter.

Very respectfully, your obedient servant,

F. H. HATCH,
Collector.

[MAY 25, 1861.—For Harris to Walker, in relation to the organization of troops in Tennessee, and their disposition in view of the military situation, see Series I, Vol. LII, Part II, p. 108.]

HEADQUARTERS VIRGINIA FORCES,
Richmond, Va., May 26, 1861.

His Excellency Governor BROWN,
Of Georgia:

SIR: I deem it proper to call your attention to the fact that many of the volunteer companies from your State have arrived at Richmond without arms. The demand upon Virginia has been so great that all arms have been exhausted, except the old flint-lock muskets. It is apprehended that the troops thus provided will not do themselves justice, opposed to an enemy whose arms are so much superior. I thought it probable that you would like to provide the men of your State with such better arms as may be at your disposal, and therefore take the liberty of bringing this matter to your notice. The proximity of Virginia to the scene of action has induced the organization of a large force of cavalry, in consequence of which all the cavalry arms and equipments have been exhausted. If, then, you have to spare any pistols, carbines, or equipments for that arm, you would greatly further the common cause by sending them to Richmond. Allow me to express the hope that you will give these matters your early attention.

I am, &c.,

R. E. LEE,
Major-General, Commanding.

[MAY 27, 28, 1861.—For proceedings of the Military Board of Arkansas, in relation to raising troops and the defense of the State, see Series I, Vol. LIII, p. 691.]

NEW ORLEANS, *May 27, 1861.*

L. P. WALKER:

The Fourth Regiment has been mustered into your service. Do they go to Ship Island? If not, say where, and issue orders for transportation. The Fifth and Sixth Regiments ready to be mustered into service.

THO. O. MOORE.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Montgomery, May 27, 1861.

JAMES PHELAN, Esq.,
Aberdeen, Miss., and
Judge WILLIAM M. BROOKS, *Marion, Ala.:*

GENTLEMEN: Your letters of the 13th and 23d of May, addressed to the President, have been referred to this Department for answer. In reference to the change of policy of this Department with regard to volunteers received into the Confederate service, of which you complain, I have to say that the proclamation of Mr. Lincoln calling for enrollments for three years and enlistments for the war, indicating a determination on the part of the Government at Washington to prepare for a protracted struggle, demanded adequate preparations on our side to meet the issue thus presented, which, happily, the amendatory acts of Congress investing this Department with the discretionary power to receive volunteers for the war enabled us to do. You will readily perceive that while the enemy by their movement were yearly increasing the effectiveness of their forces by changing their character more and more from that of raw recruits and militia into that of regulars and veterans, we should have been maintaining throughout the war, without this change of policy, an inexperienced and undisciplined army. Nor is this all. The largest relative expense of an army is incurred during the year of its several enrollment and equipment. While, therefore, the enemy by their system were diminishing their relative annual expenditures, we should have been laboring continually through the twelve months' system under the heaviest relative annual outlay. But apart from these considerations there exists another reason still more controlling, demanding the change of policy of which you complain. The arms in possession of this Department are not superabundant, and it was an object of the first importance to husband those at our command as far as possible. This point was gained through the act of Congress permitting volunteers to be accepted for the war. By receiving volunteer tenders only for the war it must be seen we greatly economized our arms and at the same time were enabled to dispense with the further organization of the Regular Army, as the volunteers thus accepted were placed at once in process of conversion into regulars. The enormous outlay necessary to the complete organization of the Regular Army has been thus saved to the Government, for the present at least, in addition to the immense saving in respect to arms. It was, moreover, esteemed wise, in view of the policy of converting our volunteers into regulars

for the war and regarding the high moral character of our volunteer soldiery, not to commingle with the service enlisted troops of a less elevated moral standard, which must have followed from the organization of the regular Army. I have every reason to hope we shall soon receive a full supply of arms for every branch of the service; but in the meantime the rules guiding our action in relation to the reception of volunteers into the Confederate service may be briefly stated. Where troops offer for the war they are armed by this Department at the time they are mustered into service. Where the tender is made for twelve months only they are required before being mustered into service to arm themselves.

Respectfully,

L. P. WALKER,
Secretary of War.

RICHMOND, *May 27, 1861.*

President DAVIS:

In reply to your letter of the 23d instant, received this morning, I send the advice of the council. It has been communicated to Governor Ellis by me:

The council advise that so much of the Harper's Ferry machinery adapted to the manufacture of rifles as can, in the opinion of the ordnance department, be spared without inconvenience to the service of the State, and as can be promptly and advantageously employed at Fayetteville, be loaned to the State of North Carolina for the purpose of immediately commencing the manufacture of small-arms at that point, and that the Governor of that State be invited to send suitable machinists to Virginia to take charge of so much of said machinery as it may be desirable and expedient to transfer to Fayetteville for the above-named purpose.

Approved May 22, 1861.

JOHN LETCHER.

EXECUTIVE DEPARTMENT, *May 28, 1861.*

Hon. L. P. WALKER,
War Department, Montgomery:

SIR: When I had the honor of addressing you on the 25th instant* I flattered myself with the hope that I should experience no difficulty in inducing some four of our volunteer regiments already organized to muster into the service of the Confederate States at once, and by that means secure the use of the 4,000 guns you had the kindness to send me; but upon submitting the proposition to any one of our regiments or companies I find many members ready to be mustered into the service at once, but others objecting, and to attempt to carry out the policy is to disorganize regiments and companies and to a great extent demoralize the force now so necessary to the service of the State and the Confederate States. This I am unwilling to do. Hence the regiments for the Confederate States must be raised for that especial purpose, which will take some time, during which, under your order, the guns you sent me are lying idle, while I have several thousand men organized and ready for the field (already mustered into the service of the State), but unarmed, with a powerful enemy menacing us every moment. If you can, consistent with your sense of duty, relax the rule laid down in your dispatch of the 20th instant so far as to allow me to put these guns into the hands of our State troops, I assure you that they shall be withdrawn from them and

* See Series I, Vol. LII, Part II, p. 108.

placed in the hands of the regiments raised for the Confederate States the moment these regiments are raised and mustered in. Nothing short of the imperative necessity of the case before me would induce me to trouble you with this request; but believing as I do that it is a matter of the highest importance to the successful defense of the Confederate States, as well as the State of Tennessee, I feel that it is a duty to urge it.

Respectfully,

ISHAM G. HARRIS.

Have the kindness to answer by telegraph.*

I. G. H.

FORT SMITH, ARK., *May 29, 1861.*

Hon. ROBERT TOOMBS,

Secretary of State, Confederate States of America:

SIR: I leave this morning for Tahlequah, the seat of government of the Cherokee Nation, and Park Hill, the residence of Governor Ross, the principal chief. Since 1835 there have always been two parties in the Cherokee Nation, bitterly hostile to each other. The treaty of that year was made by unauthorized persons, against the will of the large majority of the nation and against that of the chief, Mr. Ross. Several years ago Ridge, Boudinot, and others, principal men of the treaty party, were killed, with, it was alleged, the sanction of Mr. Ross, and the feud is to-day as bitter as it was twenty years ago. The full-blooded Indians are mostly adherents of Ross, and many of them—1,000 to 1,500 it is alleged—are on the side of the North. I think that number is exaggerated. The half-breeds or white Indians (as they call themselves) are to a man with us. It has all along been supposed, or at least suspected, that Mr. Ross would side with the North. His declarations are in favor of neutrality. But I am inclined to believe that he is acting upon the policy (surely a wise one) of not permitting his people to commit themselves until he has formal guarantees from an authorized agent of the Confederate States. These I shall give him if he will accept them. General McCulloch will be with me, and I strongly hope that we shall satisfy him, and effect a formal and firm treaty. If so, we shall have nearly the whole nation with us, and those who are not will be unimportant. If he refuses he will learn that his country will be occupied; and I shall then negotiate with the leaders of the half-breeds who are now raising troops, and who will meet me at the Creek Agency on Friday of next week. Several of those living near here I have already seen.

On Wednesday of next week I will meet the chiefs of the Creeks at the North Fork of the Canadian. I will then fix a day for a council of the Creeks, and go on to meet the Choctaws at Fort Washita. When I shall have concluded an arrangement with them I will go to the Chickasaw Country, and thence to the Seminoles.

I hope to meet the heads of the Wichitas, Caddos, Iowas, Toncawes, Delawares, Kickapoos, and Reserve Comanches at Fort Washita. I have requested their agent to induce them to meet me there. The Creek chiefs have a council with the wild Indians, Comanches and others, high up on the North Fork of the Canadian, on the 10th proximo. I shall endeavor, through the Creek chiefs, to have an interview with the heads of the wild tribes at Fort Washita and induce

* Reply, if any, not found.

them to come in and settle on the reserve upon the False Washita River near Fort Cobb.

As I shall be absent from this post some six weeks or more, it is not likely that I shall be able to give you frequent advice of my movements. There are no mails in the Indian country and I shall have to employ expresses when I desire to send on letters.

We shall have no difficulty with the Creeks, Seminoles, Choctaws, and Chickasaws, either in effecting treaties or raising troops. The greatest trouble will be in regard to arms. Not one in ten of either of the tribes has a gun at all, and most of the guns are indifferent double-barreled. I do not know whether the Bureau of Indian Affairs is a part of the Department of State, and of course whether this is properly addressed to you. I do not address the Commissioner because I understand he is on his way hither. The suggestions I wish to make are important and I venture to hope that you will give them their proper direction. I have already spoken of arms for the Indians. Those arms, if possible, should be the plain muzzle-loading rifle, large bore, with molds for conical bullets hollowed at the truncated end, which I suppose to be the minie-ball. Revolvers, I am aware, cannot be had, and an Indian would not pick up a musket if it lay in the road.

Our river is falling and will soon be low, when steam-boats will not be able to get above Little Rock, if even there. To embody the Indians and, collecting them together, keep them long without arms would disgust them, and they would scatter over the country like partridges and never be got together again. The arms should, therefore, be sent here with all speed.

No funds have been remitted to me, nor have I any power to procure or draw for any, for my expenses or for those of the councils I must hold. It has always been customary for the Indians to be fed at such councils, and they will expect it. I have borrowed $300 of Mr. Charles B. Johnson, giving him a draft on the Commissioner of Indian Affairs, for incidental expenses, and if I have a council at Fort Washita shall contract with him to feed the Indians. I have seen Elias Rector, late superintendent of Indian affairs at Fort Smith, and William Quesenbury, appointed agent for the Creeks by the Government at Washington, but who did not accept, and Samuel M. Rutherford, agent for the Seminoles, who forwards his resignation immediately; and have written to Matthew Leeper, agent for the Wichitas and other Reserve Indians; and have formally requested each to continue to exercise the powers of his office under the Confederate States. They are all citizens of Arkansas and Texas and have readily consented to do so.

If we have declared a protectorate over these tribes and extended our laws over them we have, I suppose, continued in force there the whole system. Even if we have not we cannot dispense with the superintendent and agents. I shall also see Mr. Crawford, agent for the Cherokees, and request him to continue to act, as I have requested Colonel Cooper to do as agent for the Choctaws and Chickasaws. Unless all this were done there would be vast discontent and confusion, and I therefore earnestly request that my action may be immediately confirmed and these officers assured that they shall be continued, and that their compensation shall be the same as under the United States and date from the day of the resignation of each or of his acceptance of office under the Confederate States. And I also strenuously urge that no changes be made in these offices. The

incumbents are all good men and true, competent, and honest, and are, or will be, very acceptable to the Indians. To make changes will be to make mischief.

Mr. Charles B. Johnson is feeding the Wichitas and other Reserve Indians under a contract which ends on the 30th of June. I have instructed him to continue feeding them during the present season under the same contract, *i. e.*, on the same terms, which I know to be reasonable.

It is very important that some funds should be at my disposition. The State of Arkansas has furnished me an escort of a company and General McCulloch has procured me transportation. To meet contingent expenses it is necessary that at least $1,000 should be placed here subject to my draft; and, as I have several times urged, money should be placed in the proper hands to pay a bounty to each Indian that enlists.

I wish I had more definite instructions and power more distinctly expressed, especially power in so many words to make treaties and give all necessary guarantees. For without giving them nothing can be done, and I am [not] sure that John Ross will be satisfied with my statement or assurance that I have the power, or with anything less than a formal authority from the Congress. He is very shrewd. If I fail with him it will not be my fault.

I have the honor to be, sir, very truly and respectfully, yours,

ALBERT PIKE,
Commissioner, &c.

[TALLAHASSE, FLA.,] *May 29, 1861.*

[Hon. L. P. WALKER,
Secretary of War:]

I have two regiments organized for the defense of the State and one for Virginia. Please answer.

M. S. PERRY.

RICHMOND, VA., *May 29, 1861.*

Governor JOSEPH E. BROWN,
Atlanta, Ga.:

Troops, armed and equipped, ammunition included, are much needed. Please urge such forward with all practicable dispatch.

JEFF'N DAVIS.

ATLANTA, GA., *May 29, 1861.*

President JEFFERSON DAVIS:

Will hasten through the two regiments on hand, armed with muskets of 1842, with all possible dispatch. Will order to you, by express from Milledgeville, 10,000 ball and 10,000 buck-and-ball cartridges. Will continue to do all I possibly can to aid you.

JOSEPH E. BROWN.

[MAY 29, 30, 1861.—For correspondence between Davis and Pickens in relation to forwarding South Carolina troops to Virginia, see Series I, Vol. LI, Part II, pp. 119–121.]

[MAY 29 and JUNE 3, 1861.—For correspondence between Davis and Ellis in relation to forwarding North Carolina troops to Virginia, see Series I, Vol. LI, Part II, pp. 119, 127.]

AN ORDINANCE to provide for the relief of the families of volunteers in actual service in certain cases.

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the county courts of this State be, and they are hereby, empowered to set apart and appropriate as a fund for the relief and support of the families of volunteers while in actual service, when from affliction or indigence such relief may be necessary, so much of the special tax which the said courts are authorized to levy by an ordinance adopted by this convention on the 11th day of May, A. D. 1861, entitled "An ordinance to levy a tax for military and other purposes," as in the judgment of either of said courts may be necessary to constitute the relief fund herein contemplated: *Provided*, That the fund raised and appropriated shall, in all cases, be expended for the benefit of the families of volunteers residing in the county where the same is raised; and the collector of revenue shall receive no compensation for collecting the tax provided for by said ordinance above referred to.

SEC. 2. *Be it further ordained*, That the county courts be authorized to issue county scrip anticipating the tax necessary to effect the objects of the preceding section.

SEC. 3. *Be it further ordained*, That the county courts of this State be, and they are hereby, authorized and empowered to appoint and raise semi-annually a home guard of minute men, whose term of service shall be for three months in their respective limits, to consist of companies of not less than ten for each township, whose officers, when elected by the companies respectively, shall be commissioned by the county courts, and whose duty it shall be to see that all slaves are disarmed, to prevent the assemblage of slaves in unusual numbers, to keep the slave population in proper subjection, and to see that peace and order are observed; and said guard are authorized to arrest all suspected persons and bring them before some justice of the peace without warrant for trial by the civil authorities. The home guard of minute men shall be armed and equipped by each county at its own expense out of the tax provided for by said ordinance "to levy a tax for military and other purposes," and compensation may be made to said guard out of said tax, if, in the discretion of the county court, such compensation should be made. The home guard shall assemble in their respective townships to take precautionary measures at least once in each week, at the call of the commanding officer, and shall be momentarily ready for service at his call. Persons engaged in this branch of duty shall, upon failure to obey the call to duty by the commander, forfeit not less than $1 nor more than $5 for each offense, to be collected in the name of the presiding judge of the county court before any justice of the peace, to be applied by the county court in defraying the expenses of this branch of the public service, unless it shall be shown that such failure was the result of sickness or other good cause. A general commander shall be appointed for each county by the several county courts, whose duty it shall be, when necessary, to take charge of all the home guard minute men in his county and

direct their operations; and the county court is authorized to issue county bonds or scrip for the purpose of raising money immediately to meet the expenses contemplated by this section.

SEC. 4. *Be it further ordained*, That this ordinance shall be repealable by the General Assembly of this State, and this ordinance shall be in force from and after its adoption.

Adopted and passed in and by the convention on the 30th day of May, A. D. 1861.

DAVID WALKER,
President of the Arkansas State Convention.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Convention.

NEW ORLEANS, *May 30, 1861.*

L. P. WALKER:

The Fifth and Sixth Regiments are ready to be mustered into service of the Confederate States, but the officers of the Confederate States are without orders. Seventh Regiment will be ready at the close of the week, and Eighth Regiment next week. The Fourth Regiment is still here awaiting marching orders.

THO. O. MOORE.

ATLANTA, GA., *May 31, 1861.*

Hon. JEFFERSON DAVIS,
President of the Confed. States of America, Richmond, Va.:

MY DEAR SIR: I had the honor to receive your telegram about General Gartrell's regiment, and it is being mustered in according to your wish. Colonel Colquitt's regiment has gone forward and I will try to have Gartrell's all off by Saturday night. I shall then order another regiment to rendezvous in a few days, which, together with the regiment being raised by McDonald and Anderson, I will arm and equip as soon as possible. Part of the material of these regiments will be in great need of drill, and I should be very happy, after they are mustered into the service, if they could be thrown into camp of instruction, either here or in Virginia, for two or three weeks. Since I saw you I have met Judge H. R. Jackson, and have mentioned to him our conversation in reference to his appointment as brigadier-general, and he is much delighted at the prospect. If I could receive a commission at Milledgeville in a few days for him it would be to me a source of the highest gratification, and I know that Jackson would highly appreciate and gratefully remember the compliment. He is a gallant man, and would, in my opinion, exert all his powers to serve you and the common cause with ability and fidelity. If he were appointed soon he would take great interest in the organization and preparation of the two regiments, which would greatly aid me, and I promise you in that case that I would arm and equip them in the very best style in my power with as little delay as possible, and I will do all I can to add to the number, very soon after they are off, still another armed regiment. I assure you I feel great interest in this application. If I can furnish the troops above proposed, Georgia

will have six or seven regiments in Virginia and no general. A dispatch to me at Milledgeville by Monday saying that my request for Jackson will be granted would greatly oblige, and would give increased energy to all our movements.

I am, very truly, yours, &c.,

JOSEPH E. BROWN.

[MAY 31, 1861.—For Moore to Davis, reporting Louisiana troops awaiting marching orders, and inviting attention to the necessity of an extended system of defenses for the coast, &c., see Series I, Vol. III, p. 588.]

EXECUTIVE DEPARTMENT,
Richmond, May 31, 1861.

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

SIR: By direction of the Governor I inclose herein a copy of an advice of the Executive Council, asking an interview with Your Excellency. The Governor suggests the hour of 10 o'clock to-morrow morning, in the council chamber at the capitol, if agreeable to you, or such other time as may suit your convenience.

Very respectfully,

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

[Inclosure.]

IN COUNCIL, *May 31, 1861.*

The council unanimously advise that the Governor request an early interview between the President and the Governor and council, in order to ascertain what disposition should be made of the officers of the Army and Navy of the late United States, and are now in the service of the State of Virginia.

AN ORDINANCE ratifying the permanent Constitution of the people of the Confederate States of America.

Be it ordained by the people of the State of Arkansas in convention assembled, That the Constitution of the people of the Confederate States of America, prepared and tendered by the delegates or deputies of the States of South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana, and Texas, in Congress assembled, at the capitol of said Confederate States of America, in the city of Montgomery, in the State of Alabama, and by said delegates or deputies in said Congress adopted on the 11th day of March, A. D. 1861, be, and the same is hereby, ratified by the people of the State of Arkansas as the permanent Constitution of the people of the said Confederate States of America.

Adopted and passed in and by the convention on the 1st day of June, A. D. 1861.

DAVID WALKER,
President of the Convention of the State of Arkansas.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Arkansas State Convention.

AN ORDINANCE in relation to the army and militia of the State of Arkansas.

Be it ordained by the people of the State of Arkansas in convention assembled, That that portion of the militia and army of Arkansas now or hereafter called into actual service shall be subject to the rules, regulations, and Articles of War of the Confederate States, except so far as they are in conflict with the ordinances of this convention.

Adopted and passed in and by the convention on the 1st day of June, A. D. 1861.

DAVID WALKER,
President of the Convention of the State of Arkansas.

Attest.

ELIAS C. BOUDINOT,
Secretary of the State Convention of Arkansas.

AN ORDINANCE to restore in part the militia law of the State.

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the ordinance passed by this convention entitled "An ordinance to suspend the operation of an act of the General Assembly," entitled "An act amendatory of the militia laws of Arkansas," approved the 21st of January, 1861, be, and the same is hereby, repealed.

SEC. 2. *Be it further ordained*, That the act of the General Assembly mentioned in the first section of this ordinance be, and the same is hereby, declared to be in full force and effect: *Provided*, That nothing in said act of the General Assembly or this ordinance shall be so construed as to authorize militia officers or privates to draw any pay from the treasury of this State unless such officers or privates shall have been called into the actual service of this State by order of the Military Board, nor shall any money be paid out of the treasury under the act aforesaid except by order of the Military Board.

Adopted and passed in and by the convention on the 1st day of June, A. D. 1861.

DAVID WALKER,
President of the State Convention of Arkansas.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Arkansas State Convention.

AN ORDINANCE to aid the Military Board.

Be it ordained by the people of the State of Arkansas in convention assembled, That the Military Board of this State are hereby authorized, and they shall have the power, to appoint all agents which shall be deemed necessary to carry into execution the powers heretofore conferred upon them, and to compensate such agents for such services as may be rendered.

Adopted and passed in and by the convention on the 1st day of June, A. D. 1861.

DAVID WALKER,
President of the State Convention of Arkansas.

Attest.

ELIAS C. BOUDINOT,
Secretary of the Arkansas State Convention.

[JUNE 1, 1861.—For Perry to Walker, in relation to Florida troops and the defense of the coast, see Series I, Vol. I, p. 469.]

MILLEDGEVILLE, *June 1, 1861.*

President DAVIS:

I wish you would direct Colonels Conner and Brumby and other colonels whose regiments are accepted under direct tender to you to order their companies to obey my orders about leaving their guns. It is said some of the companies will attempt to carry them, which will make it my duty to order them to be arrested. I am doing all I can to put every gun at my command into the service, and am sending in the State regiments fully equipped. This I will continue to do with all possible promptness. I deprecate anything like conflict between State and Confederate authority, and I feel sure you will not encourage any company to disobey my orders. I impose no restraint, only that they leave the State's arms. You shall have no cause to complain of my promptness in responding to every call while I have a gun. Please answer, as I am anxious to have the spirit of insubordination to State authority checked. If compelled I shall be obliged to use the means necessary to check it. A word from you to the colonels will stop it. Order General Phillips' brigade into camp of instruction Tuesday. Another regiment will rendezvous for Virginia at Atlanta on Wednesday, and another in a few days.

JOSEPH E. BROWN.

[JUNE 2, 3, 4, 1861.—For correspondence between Pickens and Cooper, in relation to forwarding South Carolina troops to Virginia, see Series I, Vol. LI, Part II, pp. 125, 127, 128.]

ATLANTA, GA., *June 3, 1861.*

Hon. L. P. WALKER,
Secretary of War:

DEAR SIR: On your passage through Atlanta I stated to you that it was the object and desire of some of my friends to organize a corps of construction to serve the Government. You then requested me to write to you at Richmond, stating definitely the material that would compose the organization. William Gabbett, esq., a civil engineer and architect, and who will be active in forming the corps, will hand you the desired statement,* and will be able to give such references as may be required.

Respectfully, yours,

L. P. GRANT.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., June 3, 1861.

General R. E. LEE,
Richmond, Va.:

SIR: I am directed by His Excellency the Governor to reply to yours of the 26th ultimo. He instructs me to say that your favor would have been more promptly answered but for his absence from the capital, occasioned by his engagement in mustering into service two addi-

*See Gabbett to Walker, June 11, p. 375.

tional regiments who are now on their way to Virginia; that he has sent into the service of the Confederate States every regiment for which he has received a requisition from the War Department; that every regiment sent by him has been armed and equipped with the best arms and equipments subject to his control, and that he will continue thus to arm and equip every regiment sent by him into service as long as the arms owned by the State shall hold out. I am further instructed to say that any volunteers from Georgia now in Virginia without arms have not been sent under the requisitions upon this department, and will have to look for their supply to the Confederate States. I am also instructed to say that it is impossible for Georgia to furnish the cavalry arms desired, not having them at her disposal.

Respectfully, your obedient servant,

D. C. CAMPBELL,
Aide-de-Camp.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond June 3 1861.

Hon. HENRY A. WISE, &c.,
Richmond, Va.:

SIR: In relation to the legion proposed to be raised by you, I am instructed to state that it should have the most prompt formation by companies, the companies to be reported, with their officers, in order that the latter may be duly commissioned. When ten companies are raised they will be organized into a regiment and the field officers appointed. To this end your recommendations and the recommendations of those associated with you are desired. When the two regiments are completed they will be organized into a brigade, of which it is designed to appoint you a brigadier-general. Your recommendation of competent and reliable men as assistant quartermaster, assistant commissary, surgeon, and assistant surgeon, one of each per regiment, is requested, the several staff officers to be appointed by the President, in accordance with law. Conceding to you the legionary formation proposed, it is to be understood that the number of mounted men shall not exceed 500, equal to six companies or three squadrons; that there shall be one battery of field artillery, to consist of six pieces, and that all the troops are to arm and equip themselves thoroughly, and to aid in this you are authorized to purchase private arms for the purpose. The following is the organization of a regiment under existing laws, viz: One colonel, 1 lieutenant-colonel, 1 major, 1 surgeon, 1 assistant surgeon, 1 adjutant (to be taken from the lieutenants of the regiment), 1 sergeant-major, 1 quartermaster-sergeant, and 10 companies, each company to consist of 1 captain, 1 first lieutenant, 2 second lieutenants, 4 sergeants, 4 corporals, 2 musicians, and from 64 to 100 privates (not under 64 or over 100).*

I have the honor to be, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

[JUNE 4, 1861.—For action of the Governor and Council of Virginia, with reference to transfer of all volunteer forces of the State to the Confederate service, &c., see Series I, Vol. LI, Part II, pp. 130–134.]

*See also postscript of Cooper to Wise, June 6, 1861, Series I, Vol. II, p. 909.

[JUNE 5, 1861.—For Hindman to Cooper, in relation to orders for regiment from Arkansas, see Series I, Vol. LIII, p. 694.]

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., June 5, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: During the past winter I purchased and had shipped to Savannah a large lot of powder for the use of the State of Georgia. Subsequently a part of it was forwarded to Augusta, and, under the direction of Mr. Butt, of that city, was stored in the magazine in which was deposited the powder seized at the capture of the arsenal. The powder owned by the State is now claimed by the officers of the Confederate States in charge of the arsenal and magazine as the property of the Confederacy, supposing it to be the powder transferred with the arsenal, &c., to that Government. The powder specified in the receipt given under my directions to the U. S. officer in command at the time of the surrender of the arsenal is as follows: Four hundred pounds canister powder, 7,932 pounds musket powder, and 10,877 pounds rifle powder. Mr. Butt can unquestionably identify that as the powder claimed by me, which is about 39,000 pounds. I beg you will cause an order to be issued to the proper officers authorizing the delivery to me of the powder belonging to the State.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

P. S.—The balance of the powder purchased by me (100,000 pounds in all) was left in Savannah and at Fort Pulaski for the use of the Confederacy, and will be charged to that Government. That now in Augusta I want, that it may be converted into cartridges at the penitentiary in this place.

RICHMOND, VA., *June 5, 1861.*

Governor T. O. MOORE,
New Orleans.

Your dispatch tendering battalion of five companies armed and equipped for the war is received, and I accept it. Order it to Richmond at once.

L. P. WALKER.

CHARLESTON, *June 5, 1861.*

Honorable Mr. MEMMINGER:

I have telegraphed to Cooper, Myers, and the President that I have two full regiments in Columbia which they called for. Were mustered in, and I have no directions where to order them. They are the best regiments. Please see that some order is extended, and that the men are paid according to law. Lee is ready to do it, but has as yet no orders. I have sent off three regiments without the least attention to their pay or clothing, and yet Captain Lee is here, desirous to attend to them. This is doing great wrong. Let me hear, so that South Carolina may see that these regiments, now on their way to Richmond, are attended to by the paymaster.

F. W. PICKENS.

[JUNE 5, 1861.—For Walker to Letcher, in relation to transfer of the military force of Virginia to the Confederate States, see Series I, Vol. LI, Part II, p. 134.]

GENERAL ORDERS, No. 9.* ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., June 6, 1861.*

UNIFORM AND DRESS OF THE ARMY.

TUNIC.

For commissioned officers.

1. All officers shall wear a tunic of gray cloth, known as cadet gray; the skirt to extend half way between the hip and the knee; double-breasted for all grades.

2. For a brigadier-general, two rows of buttons on the breast, eight in each row, placed in pairs; the distance between the rows four inches at top and three inches at bottom; stand-up collar, to rise no higher than to permit the chin to turn freely over it; to hook in front at the bottom, and slope thence up and backward, at an angle of 30 degrees, on each side; cuffs two and a half inches deep on the upper side, there to be buttoned with three small buttons, and sloped upward to a point at a distance of four inches from the end of the sleeve; pockets in the fold of the skirt, with one button at the hip and one at the end of each pocket, making four buttons on the back and skirt of the tunic, the hip buttons to range with the lowest breast buttons.

3. For a colonel, the same as for a brigadier-general, except that there will be only seven buttons in each row on the breast, placed at equal distances.

4. For a lieutenant-colonel, major, captain, and lieutenant, the same as for a colonel.

For enlisted men.

5. The uniform coat for all enlisted men shall be a double-breasted tunic of gray cloth, known as cadet gray, with the skirt extending half way between the hip and the knee; two rows of buttons on the breast, seven in each row; the distance between the rows four inches at top and three inches at bottom; stand-up collar, to rise no higher than to permit the chin to turn freely over it; to hook in front at the bottom, and slope thence backward at an angle of 30 degrees on each side; cuffs two inches and a half deep at the upper seam, to button with two small buttons, and to be slightly pointed on the upper part of the arm; pockets in the folds of the skirt. The collars and cuffs to be of the color prescribed for facings for the respective arms of service, and the edges of the tunic to be trimmed throughout with the same colored cloth. Narrow lining in the skirt of the tunic of gray material.

FACINGS.

6. The facings for general officers, and for officers of the Adjutant-General's Department, the Quartermaster-General's Department, the

*It appears that two General Orders, No. 9, were issued. See June 25, p. 398.

Commissary-General's Department, and the Engineers, buff. The tunic for all officers to be edged throughout with the facings designated.

7. For the Medical Department, black.

8. For the artillery, red.

9. For the cavalry, yellow.

10. For the infantry, light blue.

11. For fatigue purposes, a light-gray blouse, double-breasted, with two rows of small buttons, seven in each row; small turnover collar may be issued to the troops.

12. On all occasions of duty, except fatigue and when out of quarters, the coat will be buttoned and hooked at the collar. Officers on bureau duty may wear the tunic open.

BUTTONS.

13. For general officers and officers of the general staff, bright gilt, rounded at the edge, convex, raised eagle in the center, with stars surrounding it; large size, one inch in exterior diameter; small size, half an inch.

14. For officers of the Corps of Engineers, the same as for the general staff, except that, in place of the eagle and the stars, there will be a raised E in German text.

15. For officers of artillery, infantry, riflemen, and cavalry, gilt, convex, plain, with large, raised letter in the center—A for the artillery, I for the infantry, R for the riflemen, C for the cavalry; large size, seven-eighths of an inch in exterior diameter; small size, half an inch.

16. Aides-de-camp may wear the button of the general staff, or of their regiments or corps, at their option.

17. For enlisted men of artillery, yellow, convex, large, raised letter A in the center; three-quarters of an inch in exterior diameter.

18. For all other enlisted men, the same as for the artillery, except that the number of the regiment, in large figures, will be substituted for the letter A.

TROUSERS.

19. The uniform trousers for both officers and enlisted men will be of cloth throughout the year; made loose, and to spread well over the foot; of light (or sky) blue color for regimental officers and enlisted men; and of dark-blue cloth for all other officers; re-enforced for the cavalry.

20. For general officers, two stripes of gold lace on the outer seam, one-eighth of an inch apart, and each five-eighths of an inch in width.

21. For officers of the Adjutant-General's Department, the Quartermaster-General's Department, the Commissary-General's Department, and the Corps of Engineers, one stripe of gold lace on the outer seam, one inch and a quarter in width.

22. For the Medical Department, a black velvet stripe, one inch and a quarter in width, with a gold cord on each edge of the stripe.

23. For regimental officers, a stripe of cloth on the outer seam, one inch and a quarter in width; color according to the corps—for artillery, red; cavalry, yellow; infantry, dark blue.

24. For the non-commissioned staff of regiments and for all sergeants, a stripe of cotton webbing or braid on the outer seam, one inch and a quarter in width; color according to arm of service.

25. For all other enlisted men, plain.

CHAPEAU, OR COCKED HAT.

26. A chapeau, or cocked hat, will be worn by general officers and officers of the general staff and Corps of Engineers, of what is called the French pattern; the model to be deposited in the office of the Quartermaster-General.

27. Forage cap for officers, a cap similar in form to that known as the French kepi, according to pattern to be deposited in the office of the Quartermaster-General.

28. Uniform cap, according to pattern to be deposited in the office of the Quartermaster-General.

POMPON.

29. For the artillery, red.

30. For the infantry, light blue.

31. For the cavalry, yellow.

CRAVAT OR STOCK.

32. For all officers, black. When a cravat is worn, the tie not to be visible at the opening of the collar.

33. For enlisted men, black leather, according to pattern.

BOOTS.

34. For all officers, ankle or Jefferson.

35. For enlisted men of cavalry, ankle and Jefferson, according to pattern.

36. For other enlisted men, Jefferson, according to pattern.

SPURS.

37. For all mounted officers, yellow metal or gilt.

38. For enlisted mounted men, yellow metal, according to pattern.

GLOVES.

39. For general officers and officers of the general staff and staff corps, buff or white.

40. For officers of artillery, infantry, and cavalry, white.

SASH.

41. For general officers, buff silk net, with silk bullion fringe ends; sash to go twice around the waist and to tie behind the left hip; pendent part not to extend more than eighteen inches below the tie.

42. For officers of the general staff and engineers and of the artillery and infantry, red silk net; for officers of the cavalry, yellow silk net; for medical officers, green silk net—all with silk bullion fringe ends; to go around the waist and to tie as for general officers.

43. For sergeants, of worsted, with worsted bullion fringe ends; red for artillery and infantry and yellow for cavalry; to go twice around the waist and to tie as above specified.

SWORD BELT.

44. For all officers, a waist belt, not less than one inch and a half nor more than two inches wide; to be worn over the sash; the sword to be suspended from it by slings of the same material as the belt, with a hook attached to the belt upon which the sword may be hung.

45. For general officers, Russian leather, with three stripes of gold embroidery; the slings embroidered on both sides.
46. For all other officers, black leather, plain.
47. For all non-commissioned officers, black leather, plain.

SWORD-BELT PLATE.

48. For all officers and enlisted men, gilt, rectangular; two inches wide, with a raised bright rim, a silver wreath of laurel encircling the "arms of the Confederate States."

SWORD AND SCABBARD.

49. For all officers, according to pattern to be deposited in the Ordnance Bureau.

SWORD KNOT.

50. For all officers, of plaited leather, with tassels.

BADGES TO DISTINGUISH RANK.

51. On the sleeve of the tunic rank will be distinguished by an ornament of gold braid (in form as represented in the drawing deposited in the Quartermaster-General's Office), extending around the seam of the cuff and up the outside of the arm to the bend of the elbow; to be of one braid for lieutenants, two for captains, three for field officers, and four for general officers; the braid to be one-eighth of an inch in width.
52. On the front part of the collar of the tunic the rank of officers will be distinguished as follows:
53. General officers, a wreath with three stars inclosed, embroidered in gold. The edge of the wreath to be three-quarters of an inch from the front edge of the collar; the stars to be arranged horizontally; the center one to be one inch and a quarter in exterior diameter, and the others three-quarters of an inch.
54. Colonel, three stars embroidered in gold, arranged horizontally, and dividing equally the vertical space of the collar. Each star to be one inch and a quarter in exterior diameter; the front star to be three-quarters of an inch from the edge of the collar.
55. Lieutenant-colonel, two stars of the same material, size, and arrangement as for a colonel.
56. Major, one star of same material and size as for a colonel; to be placed three-quarters of an inch from edge of collar, and dividing equally the vertical space.
57. Captain, three horizontal bars embroidered in gold; each one-half inch in width; the upper bar to be three inches in length; the front edge of the bars to incline to correspond with the angle of the collar, and to be three-quarters of an inch from the edge; the line of the back edges to be vertical.
58. First lieutenant, two horizontal bars of same material and size as for captains, and dividing equally the vertical space of collar.
59. Second lieutenant, one horizontal bar of same material and size as for the center bar of captain, and dividing equally the vertical space of collar.

OVERCOATS FOR ENLISTED MEN.

60. For mounted men, of cadet gray cloth; stand-up collar; double-breasted; cape to reach to the cuff of the coat when the arm is extended, and to button all the way up (buttons, eighteen).

61. For footmen, of cadet gray cloth; stand-up collar; double-breasted; cape to reach to the elbows when the arm is extended, and to button all the way up (buttons, eighteen). For the present, to be a talma, with sleeves, of water-proof material; black.

CHEVRONS.

62. The rank of non-commissioned officers will be marked by chevrons on both sleeves of the uniform tunic and the overcoat, above the elbow, of silk or worsted binding half an inch wide; color the same as the edging of the tunic; points down, as follows:

63. For a sergeant-major, three bars and an arc in silk.

64. For a quartermaster-sergeant, three bars and a tie in silk.

65. For an ordnance-sergeant, three bars and a star in silk.

66. For a first (or orderly) sergeant, three bars and a lozenge in worsted.

67. For a sergeant, three bars in worsted.

68. For a corporal, two bars in worsted.

HAIR AND BEARD.

69. The hair to be short; the beard to be worn at the pleasure of the individual; but, when worn, to be kept short and neatly trimmed.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

CUSTOM-HOUSE, COLLECTOR'S OFFICE,
New Orleans, June 6, 1861.

Hon. L. P. WALKER,
Secretary of War, Richmond, Va.:

SIR: Referring to my report of the 3d instant, I have the honor to inform you that Mr. John G. Robinson, a wealthy English gentleman, who has resided many years in this city, has placed his fine yacht Gypsy, of about sixty tons burden, under British colors, and sails this day with a carefully prepared chart indicating the track of the Windsor Forest in search of that vessel. He goes ostensibly on a fishing or pleasure party, taking all the risk of capture, but for no other object than the hope of being able to give this vessel timely warning to make a port of safety. Mr. Robinson, at my suggestion, entered with zeal and alacrity upon the attempt to accomplish this object without the expectation of fee or reward in any shape, but from pure devotion to the Confederate States. I cannot doubt that this noble and patriotic service will call from the Department an expression of its appreciation commensurate with the risk incurred and the interests involved; but I beg to add that as a British subject I am satisfied that it would be more agreeable to him that whatever expression the Department should think proper to make should be of a private character, and not made public.

Very respectfully, your obedient servant,

F. H. HATCH,
Collector.

P. S.—Mr. Robinson will also include the Bamberg in his search.

F. H. H.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, June 6, 1861.

F. H. HATCH,
New Orleans:

SIR: Your letter dated 25th of May, marked private, was received on the 3d instant. In regard to the information sought by you, the Secretary of War directs me to say that in all cases where you have cause to suspect parties of being agents of the United States Government you will bring the subject to the attention of General Twiggs, who has command of the Louisiana division.

Very respectfully,

S. S. SCOTT.

[JUNE 6, 1861.—For Letcher to Walker, in relation to the transfer of the military force of Virginia to the Confederate service, see Series I, Vol. LI, Part II, p. 135.]

RICHMOND, VA., *June 7, 1861.*

Governor LETCHER,
Richmond, Va.:

DEAR SIR: I have the honor to acknowledge yours of yesterday, covering the letter of General Floyd and its inclosure, to wit, three captains' commissions, which have been regularly issued by you. Permit me to express my regret that in the effort to organize a brigade for the defense of Southwestern Virginia and the important line of the Virginia and Tennessee Railroad there should have been any interference with your unquestionable authority and commendable efforts to increase the military power of Virginia. The apprehension of a movement by the enemy toward East Tennessee renders it necessary at the earliest practicable period to have, say, two regiments embodied in the Southwestern District of Virginia; and if you can consistently do so, I would be glad that the companies questioned should be left in that region until General Floyd can complete the organization of his brigade, and, if you please, that these companies should form a part of it. Inclosed please find a copy of the letter* this day addressed to General Floyd, and believe me to be,

Very respectfully, yours,

JEFF'N DAVIS.

MILLEDGEVILLE, *June 8, 1861.*

Adjt. Gen. S. COOPER:

At Colonel Conner's request I state that I make no objection to the reception of his regiment into service if they do not carry out of the State their arms or equipments.

JOSEPH E. BROWN.

[JUNE 8, 1861.—For General Orders, No. 25, headquarters Virginia Forces, promulgating proclamation of Governor Letcher, transferring the military and naval forces of the State of Virginia to the Confederate States, see Series I, Vol. II, p. 911.]

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* Not found.

[JUNE 10, 1861.—For proclamation of Governor Jackson, of Missouri, calling out 50,000 militia to repel invasion, see Series I, Vol. LIII, p. 696.]

RICHMOND, VA., *June 11, 1861.*

Hon. L. P. WALKER,
Secretary of War, Confederate States of America:

SIR: In reply to the request of His Excellency the President to the Adjutant-General, "Learn what the views of the gentlemen as to position, duty, &c., may be," I beg leave to inform you that our ideas of position are simply to find a similar rank in your service during the war to that we command at our professions and trades in the general labor market, such as the engineer to instruct or plan the work and locate the position and dimensions, the master mechanic to oversee and carry on the construction, and the operative mechanic to perform the necessary labor. As to what we would consider our duty, we had presumed that would be assigned us by your military engineers, under whose instructions and control we expected to serve. Yet, to convey our impressions as to what the duty would be, I will mention that we are prepared to construct all military works, offensive or defensive, and, if need be, to work at the same under fire; to remove without destroying structures likely to fall into the hands of the enemy and replace the same on command, and such other work as is likely to occur with your trestle-work on railroads, &c., pontoon bridging, and all other work requiring mechanism. With regard to the clause in our tender respecting "compensation other than that paid the soldiery," I would respectfully call your attention to the fact that the men composing the 100 are of that stamp who have families entirely dependent on their skill and exertions for maintenance. Now, they naturally think, if serving you to fight when necessary, and do every mechanical work you may require, that they would be entitled to extra for their mechanism, and thereby support their families and serve their country at the same time. Should there be no present law to provide for such an organization, and you desire such service at once, we, with all our instruments and tools, will place ourselves at your disposal, with the understanding that such shall be made hereafter. I would further most respectfully assure you that all concerned in this matter are uninfluenced by self-aggrandizement.

I remain, your obedient servant,

WILLIAM GABBETT,
Civil Engineer.

[Inclosure.]

Hon. L. P. WALKER,
Secretary of War, Confederate States of America:

We, the subscribers, representing several branches of mechanical science and art, which we deem most important and useful at the present time in the service of the Confederacy, respectfully tender ourselves, together with all the implements of our profession, to serve during the war. We have united ourselves as a "corps of construction," and desire to serve you in the capacity of telegraphic and civil engineers and masters of mechanical science. We are all past the middle age of life, having had many years of practical experience in our several vocations, feel confident that we can render our Government essential service during the present state of affairs. Should our

services be desirable and we properly commissioned, we can bring to your aid 100 skillful mechanics as a troop of artificers selected from and representing a fair proportion of the different trades, together with their portable tools, &c. As the enrolling of such a troop would be attended with a considerable loss of time and expense without the certainty of their being accepted, we thought it advisable to solicit proper information on the subject before we proceeded further. If we are received in the capacity we offer ourselves, and are authorized to enlist a troop of artificers, what inducements can we offer them by way of compensation other than that now paid to the soldiery? An early reply to this tender is respectfully solicited.

HIRAM T. JONES.

(Telegraphic engineer and superintendent; ten years building and working lines. Have all the magnets, registers, and office material for working 100 to 500 miles.)

JAS. H. GRANT.

(Civil engineer; twenty-five years in actual service, ten of which as chief engineer on the Nashville and Chattanooga Railroad, and New Orleans, Jackson and Great Northern Railroad.)

WM. GABBETT.

(Civil engineer and architect; eight years actual service as engineer; was in the Crimea; last three years as architect designing and constructing private and public buildings in the State of Georgia.)

[AND EIGHT OTHERS],
Now residents of Atlanta, Ga.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, June 12, 1861.

JOHN G. ROBINSON, Esq.,
New Orleans:

SIR: This Department has learned with pleasure that you have placed your fine yacht Gypsy with a carefully prepared chart on the track of the Windsor Forest, with the view to capture that vessel; and that you also include the Bamberg in your search. The Department is deeply sensible of the important service you thus propose to render the Confederate States of America, and not only wishes you the most brilliant success, but also hopes that your noble example may inspire other citizens with a like heroic spirit of self-sacrifice and devotion to the great cause.

Very respectfully,

L. P. WALKER,
Secretary of War.

EXECUTIVE DEPARTMENT,
Nashville, June 13, 1861.

Maj. Gen. GIDEON J. PILLOW,
Union City, Tenn.:

SIR: Upon receipt of your telegram of yesterday evening I immediately made arrangements to send to you the regiments of Colonel Maney and Colonel Hatton, but your dispatch of this morning relieves me from the necessity of sending them forward.*

*Neither dispatch found.

From reliable information in my possession I was and am satisfied that the Federal Government will not attempt to quarter troops in Kentucky.

General Buckner was sent and fully accredited to me by the Governor of Kentucky to report to me an agreement made a few days since between General McClellan, on the part of the Federal Government, and General Buckner, as the agent and representative of the Governor of Kentucky. General McClellan, while he claims for the Federal Government the right to march troops over the territory of each of the States of the Federal Union, he declares it to be the settled policy of the Federal Government to respect and not violate the neutrality of Kentucky, and he pledges himself as the commanding officer in that division that it shall not be violated, and that if at any time this policy shall be changed by the Government of the United States the Governor of Kentucky shall be notified of the change of purpose in due time.

The Governor of Kentucky pledges himself to preserve the neutrality of his State by repelling from his territory any troops of either of the belligerents that may be quartered within the limits of that State, to enable himself to do which he has sent General Buckner to Columbus to call out and organize a regiment or battalion of Kentucky troops to be quartered at or near Columbus.

Both Governor Magoffin and General Buckner have entire confidence in the pledges of General McClellan. General Buckner assures me that from a long and intimate acquaintance with General McClellan he knows him to be in every respect reliable and that he will keep his pledge. It is proper to remark in this connection that General McClellan was absent upon the occasion when troops were landed at Elliott's Mill, which act he promptly and publicly disapproved, and was not expected to return to Cairo until about this time, from which I infer that he was absent on yesterday when the outrage upon Columbus, referred to, was perpetrated.

The agreement between the Federal Government and the State of Kentucky being as stated above, you see at once that either party attempting to quarter troops within that State provokes the opposition and antagonism of Kentucky. Every consideration of justice to that people as well as sound policy for ourselves, it seems to me, should teach us to avoid this result as long as it is possible to do so.

But if at any time the Federal Government should quarter a force there, and Kentucky submits to it, or the force so quartered shall be too powerful for her to dislodge, then I should not hesitate to send a force large enough to drive back the invader.

In other words, I would not violate her neutrality, but to the extent of my ability aid her in maintaining it by driving back those who would violate and disregard it.

I am satisfied that the Federal Government will not quarter troops in Kentucky, and I do not believe that they will attempt to go down the river, but I think it quite probable that they may attempt to reach Memphis by crossing over to Bird's Point and pass down the river by land on the Missouri and Arkansas side. Though they may not be able to carry with them baggage trains by this route, may they not risk getting their supplies by the river, as they have quite a number of very fleet gun-boats so constructed as to be proof against 6 and 12 pounders?

Investigate as fully as you can the possibility of their reaching Memphis by this route, and adopt the best means of preventing it. If Governor Rector could station some 8,000 or 10,000 men on the river

opposite Randolph to co-operate with the Tennessee forces, and a sufficient number of boats kept at Randolph to enable you to unite the whole force on either side of the river, it would certainly add much to the security of that line of defense.

Your note of 11th instant was received yesterday morning. I had previously ordered Doctor Ball to report for duty to Colonel McCown, and on yesterday I appointed Doctors Marable and Conway surgeons, and Doctor Pulliam an assistant surgeon, and ordered them to report for duty to you. If these should not be a sufficient number to meet the wants of the service I will make other appointments at any moment it may be necessary.

Very respectfully,

ISHAM G. HARRIS.

KNOXVILLE, TENN., *June 13, 1861.*

Hon. L. P. WALKER,
Richmond, Va.:

DEAR SIR: I regret I had not an opportunity of saying to you when you passed through this city a few days ago some things which it would be imprudent to communicate by letter, but I cannot resist the impulse to at least drop you a hint that may be of service and can do no harm. If I am not misinformed, you have been approached and your confidence has been secured by certain parties purporting to hail from this section, bearing honorable names, and of whom I pray you to beware. I know no facts, but I could give you circumstances and antecedents that would at least dictate the propriety of the utmost caution in your confidence and trust. This is all I dare say at present. I dare, however, beg that you will not misunderstand my position. I have up to the present time opposed the separation of Tennessee from the Federal Government, and have done so for reasons which it is not necessary now to give to you. Suffice it I believe from my soul that it was best for you, as well as for me, and that it was the salvation of the South; but let that pass. I am overruled, and I bow to the will of the majority and yield a cheerful acquiescence. My heart and my all is, of course, still with my native land. I ask nothing more than to share her destiny and her fortunes, for better or for worse. I say this much that you may not suspect the integrity of my hint. I have no ambition, no aspirations, but the general prosperity. "I have no friends to reward, no enemies to punish." No; not one. I therefore again repeat, beware, unless you know whom you confide in from here.

This State has probably gone out by 50,000 majority. This end of the State has voted 20,000 majority against it. If the secession leaders here are prudent, opposition will gradually die out, and in sixty days 20,000 bold mountain troops will be ready to rush to your standard; but if the harsh, senseless, indiscriminate denunciation of treason and abolitionism, and threats of shooting and hanging every gentleman that dares to entertain an honest conviction in opposition is continued by a most despicable little clique of worthless political adventurers here, then nothing under heaven, I fear, will prevent an outbreak in this section that it will take the whole military power of the State to put down. In God's name, then, if you have any confidant here, counsel patience, prudence, and moderation. If this course is pursued I will pledge my head that all will be well; otherwise, as before said, the consequences are to be feared.

Very respectfully, yours,

J. J. CRAIG.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, June 14, 1861.

His Excellency JOSEPH E. BROWN,
Governor of Georgia, Milledgeville, Ga.:

SIR: Your letter of the 8th instant to the President, conveying a copy of your telegram of the 7th, has been referred to this office. In answer I am instructed to inform you that the President telegraphed Your Excellency to the effect that he fully recognizes your position in reference to the arms, and that he would sustain that position. On the 10th instant Col. Z. T. Conner was telegraphed at Macon from this office, in answer to a tender of his regiment, that his regiment could not be accepted unless it was armed and equipped, and that the Governor of his State had declined to arm and equip it. On the 11th he telegraphed that he had everything but arms; that two companies arrived at Richmond and four on the way.

Very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

[JUNE 14, 1861.—For proclamation of George Hudson, principal chief Choctaw Nation, calling for volunteer companies for service in the mounted regiment of Choctaw and Chickasaw riflemen, see Series I, Vol. III, p. 593.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, June 15, 1861.

Lieut. Col. A. C. MYERS,
Acting Quartermaster-General, Richmond, Va.:

SIR: It is decided that all payments made to troops shall commence from the time they were received into service and ordered to proceed to their destination.

I am, sir, respectfully, your obedient servant,

R. H. CHILTON,
Assistant Adjutant-General.

ORDNANCE DEPARTMENT,
Richmond, Va., June 15, 1861.

Lieutenant-Colonel BURTON:

COLONEL: The authorities of this State having loaned the rifle machinery taken from Harper's Ferry to the authorities of North Carolina, you will please turn over the same to any authorized agent, that he may have it transported to Raleigh, taking care to retain all and any machines or parts thereof that may be necessary for the making up of muskets. The barrels and stocks suitable for the rifle and not fit for the muskets you will also turn over to said agent

Very respectfully,

C. DIMMOCK,
Colonel of Ordnance.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, June 17, 1861.

JOHN B. SALE,
Aberdeen, Miss.:

SIR: In your letter of May 28, 1861, you request the Secretary of War to answer a question or two which are very respectfully propounded by you. You inquire whether it is absolutely decided that troops will be accepted for only three years or for the war, and whether the President will not receive volunteers into the service for one or two years. The Secretary of War directs me to say in reply that there is, as you estimate, no little dissatisfaction in the country because, as a general thing, volunteers will not be received into the service of the Confederate States for the period of twelve months. But all this dissatisfaction, it is confidently believed, arises solely from an outside view of the subject, and would instantly vanish before an insight into the reasons and motives by which the Department has been determined. The enemy who seek to subjugate us and hold us in abject bondage to their arbitrary and ruthless will demand and receive volunteers only for three years. Surely, then, if we mean to contend in right good earnest for our independence, our lives, and our sacred honor, as well as for the purity of our family altars, we shall be willing to enlist for at least an equal period. If we would be free men, or rise to the height of the present great crisis, we must not shrink from hardships which our invaders are ready and willing to encounter. And besides, if as true and loyal citizens we would serve the Confederates States, we should bear in mind the great cost of bringing volunteers into the field, their great improvement by actual service, and, above all, the ruinous consequences which may result from their withdrawal after a service of twelve months from before an enemy which has enlisted for three years. There are many, you say, who have lucrative callings worth (it may be) from $2,000 to $10,000 per annum, and no other source of support or prosperity such as a planter or capitalist has. It may be hard, as you suggest, that they should exchange this for a series of years for the pay of a private soldier to maintain themselves and families. But if so, there is a remedy for this hardship. If they will only form themselves into companies, already armed and equipped at their own expense, they will be accepted, and can then serve their country for the short period of twelve months. This course has already been adopted by some of our citizens, and it is to be hoped it will be pursued by many more. A still nobler example has been set by others who have not only armed and equipped themselves, but also refused to take pay as privates for the twelve months for which they enlisted. In this way have they escaped the hardship of serving for a series of years, and at the same time complied with all the rules which the public good seems to demand. But there is one simple, common-sense view of this whole subject which should dispel every shadow of dissatisfaction and silence all the complaints which have been uttered against the decision of this Department. We have more volunteers for the war or for three years than we are able to arm or equip, and hence it would be absurd to arm and equip those who wish to serve only twelve months. They cannot be accepted unless they come fully armed and equipped. You say the action of a great many awaits the information you seek. For this reason it has been given at length.

Respectfully,

A. T. BLEDSOE,
Chief of the Bureau of War.

ADJUTANT-GENERAL'S OFFICE,
Richmond, Va., June 17, 1861.

His Excellency JEFFERSON DAVIS,
President of the Confederate States:

SIR: Having accidentally heard that the War Department of the Confederacy is not informed in regard to the military force of the State, I beg leave to offer the inclosed copy of my last annual report, which may possibly be useful. It is the only printed copy remaining in the office, which is my apology for sending one so much defaced. It may be proper to add that for some years preceding the passage of an act for reorganizing the public defenses of the State, the 2d of March, 1858, the militia was totally disbanded. The present organization has been effected since that time.

* * * * * * *

Permit me to say that any service I can render or any information I can give will be rendered with much pleasure at any and all times when you may require it.

I am, sir, with the highest respect, your obedient servant,
WM. H. RICHARDSON,
Adjutant-General.

[Inclosure.]

ADJUTANT-GENERAL'S OFFICE,
Richmond, December 15, 1860.

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: This report, which was due on the 1st day of November last, has been delayed by causes beyond my control, as you are aware. The annual consolidated returns of the militia, the Virginia Military Institute, and the State Guard, of arms in both arsenals and in the hands of the militia, are made up from returns of the brigade inspectors after the trainings in May and June and from reports of the superintendent of the Military Institute and superintendent of the armory to the 1st day of October last, as the law requires, and do not include the receipts and issues of arms since that date. I have added, however, a statement of purchases of arms made by the commissioners appointed under the act of January 21, 1860.

VIRGINIA MILITARY INSTITUTE.

The report of the Board of Visitors of the Military Institute leaves nothing for me to say respecting that valuable seminary of the State.

STATE GUARD AND ARMORY.

The Guard has improved in material under the influence of the act of Assembly placing the non-commissioned officers and privates on the pay of the infantry of the U. S. Army, but the exclusion of the officers from the benefits of that act is a poor return for meritorious service—is invidious and unjust. Their present pay does not amount to a support. The armory buildings are now in course of preparation to receive the machinery for the manufacture of arms. As the buildings will all be required for manufacturing operations, the State will have to build quarters for the officers and soldiers, and probably an arsenal, without delay. The ground adjacent, now under lease to R. Archer & Co., would be sufficient and is appropriate, being a portion of the original armory property.

THE MILITIA

Consists of five divisions, twenty-eight brigades, five regiments of cavalry, five of artillery, three regiments and four battalions of volunteers, and 195 regiments of the line. All the regiments of the line are now organized except the Sixty-eighth, James City and part of York; the Ninety-fourth, Lee; the One hundred and sixty-first, Ohio, and the One hundred and sixty-third, Hancock. No return has been received from the Twenty-fourth Brigade, General B. W. Price, composed of the counties of Brooke, Ohio, Marshall, and Hancock, numbering five regiments, and including these there are in the whole State eight regiments of the line, not less than 10,000 men, from which no returns have been received.

There are undoubtedly at least 200,000 men in the State subject to militia duty, yet the annual consolidated return gives nearly 60,000 short of that number. This results in great degree from negligence of the duty of enrollment on the part of officers, from the failure to muster and make returns of the militia in counties where the number is insufficient to constitute a regiment, and which, under the twelfth section of the act of March 30, 1860, are not required to go out of the county to attend the regimental musters, and from the mischievous policy of allowing men to screen themselves from ordinary militia duty by becoming contributing members to volunteer corps—some of which I know have more than 100 such members—and if they are enrolled at all no return of the number is made so that it can in any way reach this office; and thus from this additional cause the apparent strength of the militia is reduced some thousands more. One of the most intelligent and accomplished field officers in the State says, in a communication respecting the difficulty of organizing his regiment, "the new law allowing any number of contributing members of volunteer companies has induced all respectable men liable to militia duty in our bounds to become such, leaving us no material to select lieutenants from." "As already stated, the men fit for it" (a commission in the line) "have become contributing members of the volunteer companies."

It is bad policy under any circumstances, but especially at this perilous time, to have any portion of the militia wholly withdrawn from all military training and instruction. In the course of the tour of inspection directed by you last spring I found that the numerous body of artificers employed at the Government works at Harper's Ferry, permanently or occasionally, who reside on the soil of the State, vote in and often control the local elections, are not enrolled in the militia. I submit the question whether these men do not owe militia service to the State in common with other citizens between the ages of eighteen and forty-five. Since the outrage of John Brown and his band, at which time, as is well known, the arsenal was wholly defenseless, two military companies, composed of these operatives, have been organized, uniformed, and armed at that place. No commissions for the officers of these companies have been asked of the State, and certainly the United States cannot put them in commission, nor do they in any sense consider themselves a portion of the militia of the State. I report these facts for Your Excellency's consideration.

THE VOLUNTEER FORCE

Has increased rapidly and continues to increase. There are now in commission 92 troops of cavalry, 26 companies of artillery, 111 com-

panies of light infantry, and 113 companies of riflemen. The last-named preponderates too much over the light infantry, and instead of being commissioned in parts of the State where men know nothing of the use of the rifle, should be confined chiefly to the Valley and the west, whence, in case of need, the State could draw the finest body of riflemen in the world.

These companies have been armed as follows:

Cavalry.—Twenty-four troops have been armed with sabers and pistols; twenty-six with sabers only.

Artillery.—Eleven companies with 6-pounder field guns, mounted (in all twenty-four pieces), with implements and artillery swords; one company with six 12-pounder howitzers, mounted, and with horse artillery sabers.

Light infantry.—Six companies with rifled muskets; fifty-six companies with smooth-bore percussion muskets; twenty-six companies with flint-lock muskets.

Riflemen.—Three companies with long-range rifles and sword bayonets; twenty-three companies with percussion rifles; seven companies with flint-lock rifles.

Some of the companies of light infantry and riflemen are still deficient in accouterments, but these are being supplied as rapidly as possible under contracts of the commissioners appointed under the act of January 21, 1860. The commissioners have purchased since 1st of October last thirteen rifled 6-pounder field guns and 5,000 excellent percussion muskets. Although the State has not a large stock of modern arms, she has enough arms of all descriptions fit for effective service to arm a considerable military force, and is in this respect in a much better condition than many others. It is within your own knowledge that every possible exertion has been made to meet the provisions and the intent of the act of January 21, 1860, and that the volunteer corps, as fast as they came up to the requirements of the law, have been armed and equipped as well as, with the stock in the arsenals of the State, could possibly be done. Yet, notwithstanding this notorious fact, discontent, sometimes most unreasonable, has been manifested occasionally, and not a few misrepresentations and gross perversions of truth have appeared in some of the public papers; but where everything has been done by the officers and other functionaries of the State that it was in their power to do, it would have been but a waste of time to attempt to quiet the one or correct the other.

As regards further means of defense not yet provided for, I respectfully suggest whether upon our sea-board and in the tide-water region—certainly the most exposed parts of the State—a defense upon the water as well as upon the land may not be indispensable. Two or more steamers of light draft, armed with a deck gun for round shot or a 12-pounder howitzer, or both, would probably constitute the most effective protection on the coast and along our large rivers. The State might now call into the field nearly or quite 20,000 volunteers, and have a reserve, as I believe, of 180,000 militia of the line. This force would, in case of emergency, be doubled by men above forty-five, perfectly able and more than willing to bear arms if the State shall need their services. I am not aware—indeed, I do not believe—that a plan of organization more efficient, better adapted to the habits and circumstances of our people, and less costly to the State than the one now in force could be devised. It is my decided opinion, however, that the organization of an élite force by detail from the

volunteers, to be called "The Virginia Legion," as a division or brigade, to be held in readiness for instant service for a year at a time, is highly expedient now. The plan was presented at the last session to the chairman of the Committee on Military Affairs, and I confidently recommend it, divested of the provisions involving expense. If desired I will prepare a detail. Not to enlarge this report by repeating what was recommended in the last, I beg to refer to the fifth, eighth, twelfth, and fourteenth paragraphs of that report as in my opinion still requiring consideration.

The divisions and brigades are generally too cumbrous, and should therefore be promptly rearranged and the numbers increased. It is indispensable to provide the officers with the means of instruction in tactics, and it is especially and imperatively necessary to establish some more effective means of instruction in cavalry tactics. It was suggested to me by a distinguished Southern-born officer of the U. S. Army, who was present by invitation at the cavalry encampment near Richmond in November last, that a camp of instruction for the officers only would be far more valuable, and it would certainly be more practicable than the assemblage of that force in masses. He had assisted in one or more States at such encampments with the best results. The officers attending them were allowed pay, subsistence, and forage by the State. The suggestion seems to me to be eminently worthy of consideration. One or more—probably not more than two—such encampments might be authorized by the Legislature, at which the cavalry officers might attend voluntarily. Provision should be made by the State of subsistence and forage for men and horses, and to cover expenses of travel, mileage should be allowed to all the officers who attended and remained during the period of the encampment. But for the risk of interruption to the course of discipline and instruction at the Military Institute one encampment there might suffice for the whole State. It is a central point, and the best instructors are on the spot. If this should be found impracticable the encampment might be upon the fair grounds of the Central Agricultural Society, near Richmond, which would readily be placed by the society at the command of the State. The assemblage of any volunteer force by companies, battalions, squadrons, or regiments long enough to be tolerably well instructed, especially in the details of camp duty, imposes too great a tax upon the time of the rank and file, both in the country and the towns. But if the officers can have the benefit of an annual camp of instruction it will undoubtedly be imparted to their commands, particularly when called into actual service. It is burdensome and useless to require the cavalry officers to attend the ordinary trainings, and I know that nothing would be more acceptable to them than this plan. The patriotic devotion of their best services to the State at no little expense of time and money deserves and, it cannot be doubted, will command for them on her part all the means of instruction and encouragement they may require.

The duties of the Adjutant-General's Office are engrossing and overwhelming—impossible to be performed by any one man, as Your Excellency is fully aware; and it is a depressing and mortifying fact that while the heads of all the other departments of our State government are allowed as many clerks as they require for the dispatch of the public business, not one has been allowed for this. If the office be worth anything to the State, her best interests will be promoted by a thorough performance of all its legitimate duties, and I need scarcely remark to you, sir, that more would be gained by that than the largest clerical force would cost.

Document A is an abstract of the return of the militia of the State to October 1, 1860; B, return of arms, accouterments, and ammunition in depot at Richmond, Lexington, and in the hands of the militia to October 1, 1860; C, return of the corps of cadets and of arms in the arsenal at Lexington; D, report of the superintendent of the armory at Richmond and of arms in the depot there.*

I have the honor to be, very respectfully, your obedient servant,

WM. H. RICHARDSON,

Adjutant-General.

[Sub-inclosures.]

A.—*Abstract of the annual return of the militia of the State of Virginia for the year ending September 30, 1860.*

General staff.—Major-generals, 4; brigadier-generals, 28; adjutant, inspector, and quartermaster general, 1; aides-de-camp, 20; brigade inspectors, 27; brigade quartermasters, 20. Total staff officers, 100.

Cavalry.—Colonels, 3; lieutenant-colonels, 3; majors, 4; adjutant, 1; quartermaster, 1; surgeon, 1; surgeon's mate, 1; captains, 57; lieutenants, 136; sergeant-major, 1; quartermaster-sergeant, 1; buglers and trumpeters, 38; sergeants, 184; corporals, 168; privates, 3,180. Total commissioned officers, 207; total non-commissioned officers, musicians, and privates, 3,572; aggregate, 3,779. Number of regiments, 5.

Artillery.—Colonels, 4; lieutenant-colonels, 3; majors, 2; adjutants, 2; paymaster, 1; surgeon, 1; surgeon's mate, 1; captains, 17; lieutenants, 39; sergeant-major, 1; quartermaster-sergeant, 1; musicians, 11; sergeants, 57; corporals, 43; privates, 883. Total commissioned officers, 70; total non-commissioned officers, musicians, and privates, 996; aggregate, 1,066. Number of regiments, 5.

Light infantry, riflemen, and infantry of the line.—Colonels, 165; lieutenant-colonels, 176; majors, 317; adjutants, 177; quartermasters, 165; paymasters, 147; chaplains, 45; surgeons, 169; surgeons' mates, 158; captains, 1,384; lieutenants, 2,369; sergeant-majors, 152; quartermaster-sergeants, 135; musicians, 570; buglers and trumpeters, 2; sergeants, 3,374; corporals, 2,985; privates, 125,382. Total commissioned officers, 5,372; total non-commissioned officers, musicians, and privates, 132;600; aggregate, 137,972. Number of divisions, 5; number of brigades, 28; number of regiments, 187; number of troops of cavalry, 59; number of companies of artillery, 17; number of companies of light infantry, 68; number of companies of riflemen, 72; number of companies of infantry of the line, 1,141.

State Guard.—Captain, 1; lieutenants, 2; musicians, 2; sergeants, 6; corporals, 6; privates, 70. Total commissioned officers, 3; total non-commissioned officers, musicians, and privates, 84; aggregate, 87. One company light infantry.

Corps of Cadets.—Colonel, 1; major, 1; adjutant, 1; quartermasters, 2; surgeon, 1; captains, 4; lieutenants, 8; sergeant-major, 1; quartermaster-sergeants, 2; musicians, 5; privates, 225. Total commissioned officers, 18; total non-commissioned officers, musicians, and privates, 233; aggregate, 251. Four companies light infantry.

Aggregate.—Major-generals, 4; brigadier-generals, 28; adjutant, inspector, and quartermaster general, 1; aides-de-camp, 20; brigade inspectors, 27; brigade quartermasters, 20; colonels, 173; lieutenant-colonels, 182; majors, 324; adjutants, 181; quartermasters, 168; pay-

*Document D not found.

masters, 148; chaplains, 45; surgeons, 172; surgeons' mates, 160; captains, 1,463; lieutenants, 2,554; sergeant-majors, 155; quarter-master-sergeants, 139; musicians, 588; buglers and trumpeters, 40; sergeants, 3,621; corporals, 3,202; privates, 129,740. Total commissioned officers, 5,770; total non-commissioned officers, musicians, and privates, 137,485=143,255. Number of divisions, 5; brigades, 28; regiments, 197; troops of cavalry, 59; companies of artillery, 17; companies of light infantry, 73; companies of riflemen, 72; companies of infantry of the line, 1,141.

The aggregate above is greatly below the actual military force of the State, from causes stated in the annual report.

WM. H. RICHARDSON,
Adjutant-General.

B.—*Arms, accouterments, and ammunition for the year ending September 30, 1860.*

Ordnance, brass.—In the hands of the militia: 18 6-pounders, 6 12-pounder howitzers—total, 24; in the Lexington Arsenal: 10 6-pounders, 2 12-pounder howitzers—total, 12; in the armory at Richmond: 1 4-pounder, 32 6-pounders, 6 32-pounders, 2 16-inch mortars, 2 12-pounder howitzers—total, 43. Total, 1 4-pounder, 60 6-pounders, 6 32-pounders; 2 16-inch mortars, 10 12-pounder howitzers; total brass pieces, 79.

Ordnance, iron.—In the hands of militia: 9 4-pounders, 13 6-pounders—total, 22; in depot, in charge of commandants of regiments, for service in emergency, 8 6-pounders—total, 8; in the Lexington Arsenal: 3 6-pounders, 2 8-inch and 10-inch mortars—total, 5; in the armory at Richmond: 35 4-pounders, 110 6-pounders, 36 12-pounders, 5 24-pounders—total, 186. Total, 44 4-pounders, 134 6-pounders, 36 12-pounders, 5 24-pounders, 2 8-inch and 10-inch mortars; total iron pieces, 221.

Total brass and iron pieces.—In hands of the militia, 46; in depot, in charge of commandants of regiments, for service in emergency, 8; in the Lexington Arsenal, 17; in the armory at Richmond, 229=300.

Ordnance stores.—In the hands of the militia: 38 gun carriages, 14 sponges and rammers, 6 ladles and worms, 4 bricoles and drag-ropes, 12 trail handspikes, 2 lead aprons, 6 ammunition boxes, 2 6-pounder caissons, 4 linstocks, 30 sets of harness, 8,517 ball cartridges of all kinds, 400 muskets, rifled; 1,291 muskets, percussioned; 3,651 muskets, flint-locks; 4,351 bayonets, 2,595 cartridge-boxes and belts, 1,459 bayonet scabbards and belts, 72 brushes and picks, 416 ball screws and worms, 90 artillery musketoons, 315 carbines, 500 rifles, percussioned; 1,096 rifles, flint-locks; 160 rifles (sword bayonets); 399 powder horns and flasks, 60 pouches, 114 bullet-molds, 498 wipers, 698 screw-drivers, 185 pistols, revolvers; 1,021 horseman's pistols, 643 holsters, 1,259 cavalry swords, 236 cavalry cartridge-boxes, 271 artillery swords, 1,343 sword scabbards and belts, 3 bugles and trumpets, 31 drums and fifes, 6 colors. In depot, in charge of commandants of regiments, for service in emergency: 8 gun carriages, 16 sponges and rammers, 16 trail handspikes, 16 ammunition boxes, 8 linstocks, 39,500 ball cartridges of all kinds, 830 muskets, percussioned; 2,150 muskets, flint-locks; 2,980 bayonets, 1,600 cartridge-boxes and belts, 1,600 bayonet scabbards and belts, 220 carbines, 455 rifles, percussioned; 500 rifles, flint-locks; 210 horseman's pistols, 155 cavalry swords, 240 artillery swords, 395 sword scabbards and belts. In the Lexington Arsenal: 8 gun carriages, 8

sets of harness, 25,000 pounds of powder in magazines, 3,000 ball cartridges of all kinds, 10 muskets, rifled; 496 muskets, percussioned; 27,815 muskets, flint-locks; 28,311 bayonets, 500 cartridge-boxes and belts, 500 bayonet scabbards and belts, 52 carbines, 20 rifles, percussioned; 1,007 rifles, flint-locks; 10 rifles, Colt; 101 powder horns and flasks, 51 pouches, 9 bullet-molds, 10 pistols, revolvers; 210 cavalry swords, 117 artillery swords, 327 sword scabbards and belts. In the armory at Richmond: 8 gun carriages, 16 sponges and rammers, 8 trail handspikes, 16 ammunition boxes, 8 linstocks, 25,000 pounds of powder in magazines, 175,900 ball cartridges of all kinds, 12 muskets, rifled; 42 muskets, percussioned; 20,372 muskets, flint-locks (2,340 of these require repairs); 20,372 bayonets, 190 cartridge-boxes and belts, 50 bayonet scabbards and belts, 80 cavalry musketoons, 31 sappers' and miners' musketoons, 138 carbines, 45 rifles, percussioned; 690 rifles, flint-locks (190 require repairs); 94 rifles, Sharps; 236 rifles, Colt; 25 rifles (sword bayonets); 1,122 pistols, revolvers; 116 horseman's pistols, 350 holsters (require repairs); 2,051 cavalry swords (of these 821 require scabbards and 175 are in bad order); 75 artillery swords, 1,459 sword scabbards and belts. Total—62 gun carriages, 46 sponges and rammers, 6 ladles and worms, 4 bricoles and drag-ropes, 36 trail handspikes, 2 lead aprons, 38 ammunition boxes, 2 6-pounder caissons, 20 linstocks, 38 sets of harness, 50,000 pounds of powder in magazines, 226,917 ball cartridges of all kinds, 422 muskets, rifled; 2,659 muskets, percussioned; 53,988 muskets, flint-locks; 56,014 bayonets, 4,885 cartridge-boxes and belts, 3,609 bayonet scabbards and belts, 72 brushes and picks, 416 ball screws and worms, 80 cavalry musketoons, 90 artillery musketoons, 31 sappers' and miners' musketoons, 725 carbines, 1,020 rifles, percussioned; 3,293 rifles, flint-locks; 94 rifles, Sharps; 246 rifles, Colt; 185 rifles (sword bayonets); 500 powder horns and flasks, 111 pouches, 123 bullet-molds, 498 wipers, 698 screw-drivers, 1,317 pistols, revolvers; 1,347 horseman's pistols, 993 holsters, 3,675 cavalry swords, 236 cavalry cartridge-boxes, 703 artillery swords, 3,524 sword scabbards and belts, 3 bugles and trumpets, 31 drums and fifes, 6 colors.

Purchased since 1st of October, 5,000 percussioned muskets and 13 rifled 6-pounder cannon.

WM. H. RICHARDSON,
Adjutant-General.

DECEMBER 15, 1860.

C.—*Return of ordnance and ordnance stores received, issued, and remaining on hand at the Virginia Military Institute, commanded by Col. F. H. Smith, during the year 1860.*

On hand October 1, 1859, from the last returns: 6 6-pounder brass cannon, 2 12-pounder brass howitzers, 3 6-pounder iron cannon, 1 2-pounder brass cannon, 1 10-inch iron mortar, 1 8-inch iron mortar, 6 6-pounder cannon carriages, 2 12-pounder howizter carriages, 1 2-pounder cannon carriage, 2 6-pounder cannon caissons, 2 12-pounder howitzer caissons, 4 6-pounder brass cannon, old pattern; 1 10-inch mortar bed, 1 8-inch mortar bed, 50 10-inch mortar shells, 50 8-inch mortar shells, 160 6-pounder cannon balls, 200 canister-shot, unfixed; 1 10-inch mortar sponge and rammer, 1 8-inch mortar sponge and rammer, 1 10-inch mortar sponge cover, 1 8-inch mortar sponge cover, 4 6-pounder percussion locks, 4 6-pounder pendulum hausses, 8 handspikes for mortar, 2 linstocks for mortar, 2 haversacks for mortar, 2

tube pouches for mortar, 6 priming wires, 2 gunners quadrants, wood; 2 fuse setters, wood; 2 gimlets, 2 fuse mallets, 2 baskets, 1 tompion for 10-inch mortar, 1 tompion for 8-inch mortar, 2 quions for 10-inch mortar, 2 quoins for 8-inch mortar, 2 water buckets, 2 brooms, 2 plummets, 4 pointing wires, 2 shell hooks, 2 scrapers for mortar, 2 spatulas, 2 pairs of gunners' sleeves, 4 extra wheels for caissons, 4 shovels for caissons, 4 felling axes, 4 pickaxes, 4 trail handspikes, 4 tar buckets, iron; 4 water buckets, leather; 8 tarpaulins, 12 by 15 feet; 27,675 muskets, complete (flint-lock), serviceable. (Ten invoices.)

Received December 1, 1859, from Col. F. H. Smith, 120 12-pounder spherical case-shot, 84 12-pounder canister-shot, fixed; 4 fuse cutters, 4 lanyards.

Received July 5, 1860, from Board of Commission for Arms, 1 iron rifled cannon, 100 rifled-cannon shells.

Total to be accounted for October 1, 1860, 6 6-pounder brass cannon, 2 12-pounder brass howitzers, 3 6-pounder iron cannon, 1 2-pounder brass cannon, 1 iron rifled cannon, 1 10-inch iron mortar, 1 8-inch iron mortar, 6 6-pounder cannon carriages, 2 12-pounder howitzer carriages, 1 2-pounder cannon carriage, 2 6-pounder cannon caissons, 2 12-pounder howitzer caissons, 4 6-pounder brass cannon, old pattern; 1 10-inch mortar bed, 1 8-inch mortar bed, 50 10-inch mortar shells, 50 8-inch mortar shells, 100 rifled-cannon shells, 120 12-pounder spherical case-shot, 84 12-pounder canister-shot, fixed; 160 6-pounder cannon balls, 200 canister-shot, unfixed; 1 10-inch mortar sponge and rammer, 1 8-inch mortar sponge and rammer, 1 10-inch mortar sponge cover, 1 8-inch mortar sponge cover, 4 6-pounder percussion locks, 4 6-pounder pendulum hausses, 8 handspikes for mortar, 2 linstocks for mortar, 2 haversacks for mortar, 2 tube pouches for mortar, 6 priming wires, 2 gunners' quadrants, wood; 2 fuse setters, wood; 4 fuse cutters, 2 gimlets, 4 lanyards, 2 fuse mallets, 2 baskets, 1 tompion for 10-inch mortar, 1 tompion for 8-inch mortar, 2 quoins for 10-inch mortar, 2 quoins for 8-inch mortar, 2 water buckets, 2 brooms, 2 plummets, 4 pointing wires, 2 shell hooks, 2 scrapers for mortar, 2 spatulas, 2 pairs of gunners' sleeves, 4 extra wheels for caissons, 4 shovels for caissons, 4 felling axes, 4 pickaxes, 4 trail handspikes, 4 tar buckets, iron; 4 water buckets, leather; 8 tarpaulins, 12 by 15 feet; 27,675 muskets, complete (flint-lock), serviceable.

Total issued and expended at Charlestown and at this post to October 1, 1860: 4 10-inch mortar shells, 42 8-inch mortar shells, 50 rifled-cannon shells, 100 6-pounder cannon balls, 4 handspikes for mortar, 4 priming wires, 2 fuse mallets, 2 brooms, 2 plummets, 4 felling axes 2 trail handspikes, 3 tarpaulins, 12 by 15 feet.

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EXECUTIVE DEPARTMENT,
June 17, 1861.

GENTLEMEN OF THE CONVENTION:

Justice to the Executive, and those who have been associated with him in the administration of the State government, imperatively demand that a full detail of all that has been done shall be submitted to the convention, in order that it may have a place upon the public records, and thus go down to posterity. The present is an occasion of deep interest and importance in the history of the State, and I

trust, therefore, that this detail of facts, sustained by proofs that can not be gainsaid or controverted, will not be considered either as untimely or out of place.

In my inaugural message I embraced the opportunity to advise the General Assembly that it was their "duty to place the State in such a condition that she will be prepared at all times and upon the shortest notice to protect her honor, defend her rights, and maintain her institutions against all assaults of her enemies. With this view I recommend a careful revision of the militia laws; and in this connection I suggest that munitions of war be procured and provision be made for the organization of an efficient military staff." I recommended at the same time the passage of a bill "for the organization of a brigade of minute men," and furnished the draft of a bill for the accomplishment of this object.

On the 21st day of January, 1861, the General Assembly passed "An act making an appropriation of $180,000 to purchase such arms, equipments, and munitions as may be required for the immediate use of the State." This sum was to be expended under the direction of a commission to be appointed by the Executive, and consisted of Col. P. St. George Cocke, Maj. George W. Randolph, and Col. F. H. Smith, who were appointed immediately after the passage of the act, and entered upon the discharge of their duties. No men were ever more prompt and faithful in the performance of a public duty, and their action received the approval of the General Assembly. Out of this appropriation thirteen rifle cannon, 5,000 percussion muskets, revolvers, cavalry sabers, 50,000 pounds of powder, and other articles were purchased. The entire sum was expended, as will fully appear from the report of Major Randolph, made to the General Assembly on the 1st day of April last, and herewith transmitted.*

By an act passed January 29, 1861, it was made the duty of the colonel of ordnance, under direction of the Governor, to procure the necessary arms, equipments, and munitions of war for the defense of the State. He is authorized also to contract for the manufacture of equipments and munitions and to buy materials therefor, and to contract for altering and improving cannon and small-arms and to purchase machinery and materials therefor. The act appropriates $800,000 to accomplish these purposes. Col. Charles Dimmock was nominated to the Senate and confirmed as colonel of ordnance, and immediately entered upon the discharge of his duties. His report, herewith transmitted (Appendix B),* will show what was done under this act.

By the same act the Governor is authorized to employ an engineer to plan and construct coast, harbor, and river defenses, and to execute the same, if approved by the Governor. For this position Colonel Talcott was selected, and he has been most industriously and energetically employed in the discharge of his important duties. The act also provided for the construction of three arsenals in different sections of the State, and for the purposes mentioned in this paragraph the sum of $200,000 was appropriated. Under this act the amount appropriated could not be raised in the usual mode, by the sale of State bonds, the bonds having depreciated 20 per cent. or more, and our law prohibiting the sale at less than their par value.

Hence, an act was passed, on the 14th day of March thereafter, authorizing the issue of $1,000,000 of treasury notes. This act authorized the Governor to direct the auditor to borrow for the State from

* Not found.

time to time the sum aforesaid and to issue treasury notes therefor. Under the act the banks were authorized to discount or purchase such treasury notes. The convention subsequently, by an ordinance passed April 30, 1861, authorized the Governor to raise for the defense of the State, by treasury notes, a sum not exceeding $2,000,000. These notes are made payable to bearer and are redeemable one year after their dates, and when paid are to be canceled, and reissues are authorized for a like amount. In less than one week after the passage of the ordinance of secession the navy department was fully and effectively organized, and the report of Captain Barron, the officer in charge (which is herewith transmitted and will be found in the Appendix, marked C),* shows what has been done in an incredibly short time.

The State has had full work for all the officers, seamen, and marines embraced in this organization, and all, so far as I know or believe, have worked laboriously, cheerfully, and effectively. Besides the laborious work of removing the heavy guns and other munitions from the navy-yard to the various points upon our rivers at which the batteries are located, we have had to construct the gun carriages and to provide the necessary fixed ammunition for the batteries. Those batteries are in good working order and are effectively manned. The fact that these guns weigh from 5,000 to 10,000 pounds each, with transportation essentially by land, will show the amount of labor required to get them in position. Besides, the steam-frigate Merrimac, which had been sunk by the Federal authorities and burned to the water's edge when they deserted the navy-yard, has been raised, and is now in the naval dry-dock undergoing repairs. An effective battery has been placed on board the frigate United States, and the navy-yard itself is well prepared for vigorous defense. At Richmond the steamer Yorktown has been nearly completed as a war steamer, and a steam-tug, bought by the State, has been completely fitted up. These will soon be ready to co-operate with the other military operations and will be prepared to render efficient service.

Provisional army.—Appointments in the higher grades were confined to retired officers of the Army who had left the service of the United States. To carry into immediate effect the provisions for recruiting, appointments were made of a number of first and second lieutenants, nearly one-half of whom are graduates of the Virginia Military Institute, and they have been distributed throughout the State on recruiting service. It is now satisfactorily ascertained that while the volunteer organization is so actively pressed as it now is in our State it is impossible to raise the 10,000 men proposed by the ordinance. One regiment, perhaps, may be raised. To give employment to the young officers the commanding general has made good use of them in organizing and drilling the volunteers as they were received at the various camps of instruction. As many of them as may be required for this and the engineer service may be retained with advantage until their services shall be no longer necessary; the remainder might be disbanded, after organizing the companies already recruited.

The report of Major-General Lee is herewith transmitted, and I commend it to the attention of the convention. It presents information that cannot fail to be interesting and instructive, as it shows the progress of our military matters since the ordinance of secession was passed. (Appendix E.*) The Harper's Ferry machinery and the disposition made of it was the subject of a previous communication, and to that

*Not found.

and the accompanying papers I refer. I transmit a copy of the proclamation turning over the military power of the State to the Cofederate States. The terms are satisfactory, so far as I know or believe, to both sides. (Appendix F.*) The intercourse between the council and the Executive has been of the most agreeable character. The journal, regularly kept, will show that their action has been characterized by a remarkable unanimity, and it is a source of satisfaction to me to know that I have rarely felt constrained to dissent from their advice. Their services have been appreciated by me and should be appreciated by the State.

The rule which has regulated me in making appointments was to ascertain in the first place whether the applicant was loyal to the State. If he was loyal, competent, and efficient, it was all I required. In making my selections I have not regarded old party divisions. Whether a man originally belonged to the one or the other of the old political parties into which our people have been divided was an inquiry that I thought unworthy of the times. We had a common interest and a common object in defending our State against the assaults of the Federal Government, and my desire was to make our people a unit, if possible, for the successful prosecution of the great work which was before us. I think I can safely affirm that there is not the name of an unfaithful son of the Commonwealth upon the list, and it is cause of congratulation with me to know that they have been confirmed by the council with very general unanimity. No one was objected to, as I am informed, on the score of want of fidelity to the State. The commissary, quartermaster, and medical appointments were made at the earliest practicable moment after the authority was given, and although some bad appointments were made (some of which have been removed), the result has shown great efficiency in all these departments. The paymaster's department has also been organized and will, I believe, prove as efficient as the others.

When the war commenced I was greatly embarrassed, not only from my own want of knowledge in military matters, but also from the want of experienced military advisers, commanders, and an organized staff corps. Under these circumstances I was called at once to make provision for commands at the important points of Norfolk, Harper's Ferry, Alexandria, and Fredericksburg. Until General Lee was appointed I was without the aid and advice of an experienced military man. If I have under these circumstances committed blunders it is not to be wondered at; the only wonder is that I have not made many more.

The State has paid out, under the direction of the auditing board, from the 31st day of April to the 14th day of June, the following sums, viz:

For the army	$1,737,950.49
For the navy	100,748.49
Total	1,838,698.98

Outstanding allowances not yet presented at the treasury will add $100,000 to this sum. (Appendix E.†) On the 1st of July we will be required to raise $1,800,000 to pay our troops now in the field. Besides all these difficulties to encounter and overcome, the Executive, by law and by ordinances of convention, has been compelled to provide the means necessary to meet the expenditures incident to such important

* See Series I, Vol. II, p. 911. † Not found.

movements and the exertion of such extraordinary power. At the time when the ordinance of secession was passed there was in the treasury to the credit of the Commonwealth the sum of $384,605.25, and from that period to this the entire amount received from the revenue of the State is about $321,617.75, making $706,223 to meet the ordinary expenses of government and the extraordinary sums to carry on the war. The actual sum expended for the war alone has been nearly $2,000,000, and the sum necessary to meet the liabilities incurred and not yet presented for payment will be nearly $2,000,000 additional.

To meet these expenditures the General Assembly had authorized the issuing of treasury notes to the amount of $1,000,000. For this purpose the auditor of public accounts had made arrangements to have the treasury notes engraved at the North, and when the plates were ready for delivery they were seized by the Government of the United States, and of course could not then be issued. This occasioned delay in the execution of the notes, and rendered it necessary to contract for engraving new plates here in the city of Richmond, which could not be executed until within a few days past. Subsequently the convention authorized the issue of $2,000,000 more of treasury notes, and both the law of the Legislature and the ordinance of the convention authorized the banks to receive these notes and to discount upon them. Under this authority there has been raised from the banks, by giving temporary notes, payable in July, the amount of $1,854,500, which, with the amount in the treasury, has realized the sum of $2,560,723, and the government has been able to meet every engagement of the Commonwealth so far with the currency of the State promptly, no creditor having to wait longer than necessary to credit and settle his accounts. A summary of the operations of the executive department since the 18th of April, 1861, shows the following results:

1. The navy-yard and Harper's Ferry Arsenal, captured without the loss of a single life, and securing to the State property estimated in its intrinsic value at from $25,000,000 to $30,000,000.

2. Upward of 40,000 volunteers have been drawn from their peaceful pursuits, and some of them from the most distant parts of the State; have been instructed in the elementary exercises of the soldier; have been armed, equipped, and supplied with every necessary for active service in the field, and are now ready to defend the honor and maintain the liberties of the State.

3. A navy department, hitherto unknown to our State organization, has been thoroughly and effectively organized. Navy batteries, numbering upward of 320 pieces of heavy ordnance, varying in weight from 5,000 to 10,000 pounds, have been established, the gun carriages for the most part made, and the ammunition prepared, while upward of 120 pieces of heavy ordnance have been forwarded to other States of the Southern Confederacy.

4. The various staff corps, embracing commissary, quartermaster, medical, and engineer departments, have been organized under ordinances passed since the 20th of April, 1861, and their efficiency has not only contributed to the promptness and completeness of the preparation which has enabled us to put so large a force from our own State into the field, but to facilitate the movements and efficiency of most of those who have come to our aid from the other States of the Confederacy.

5. And, finally, these results have been reached in due regard to an economic expenditure of the public money. The stores and other

property purchased for the military operations have been paid for as they were bought, and thus the credit of the State has been fully sustained.

It is due to truth and justice that I should here record, in this recapitulation, my high appreciation of the industry, judgment, and professional skill which have marked the conduct of the distinguished officer who has been called by me, with the unanimous approval of the convention, to conduct the military and naval operations of Virginia. From every principle of duty and patriotism the executive department of the State has felt called upon to co-operate cordially and heartily with the Government of the Confederate States, and the policy which has controlled my action heretofore will continue to regulate it. The great interests at stake demand the surrender of all questions of a subordinate character in a vigorous and united effort to maintain the common rights of the South. Nothing will be left undone to advance the interests of all, and the candor, frankness, and sincerity which have been exhibited by the President assure me that harmony and concert of action will be the result. He duly appreciates the importance of the occasion, and his courage, prudence, and military experience will exert a salutary influence in directing and controlling the military movements now in progress for the protection of Virginia and the South.

And, finally, I communicate herewith orders issued to Generals Carson, Taliaferro, and Haymond, and also a letter acknowledging the receipt of General Harper's report of operations at Harper's Ferry. General Harper was placed in charge of the expedition against Harper's Ferry, and I regret that the orders given to him on the 17th day of April last have been mislaid. These orders show that I acted with the promptness and decision due to the occasion. General Harper's report will be found with these orders.*

Respectfully,

JOHN LETCHER.

RICHMOND, *June 18, 1861.*

General JACKSON MORTON,
Pensacola, Fla.:

The Governor of your State now desires to arm another regiment for the defense of Florida. Under these circumstances the President, with every desire to oblige you, does not think it right to accept troops from your State for service in Virginia.

L. P. WALKER.

MILLEDGEVILLE, *June 18, 1861.*

President JEFFERSON DAVIS:

I have General Phillips' brigade in camp of instruction. Will organize the mountain regiment next week. Will arm and equip both. They go for the war. Will undertake to comply with your wish to supply an armed regiment in place of Semmes', now at Brunswick, except the sea-coast company, Captain Styles. Will retain him and put company in his place, provided your quartermaster can arrange supplies of provisions for the new companies as they arrive

* None of these inclosures found herewith, but see Harper to Letcher, Series I, Vol. II, p. 774.

at Brunswick, and you will have them mustered into service as the companies arrive, with fifty to eighty rank and file each, and let them hold elections for field officers when the ten companies assemble. My quartermasters have all they can do at present supplying brigade and preparing for next regiment. If you arrange supplies for new regiment as it assembles at Brunswick you can order Colonel Semmes to Virginia at your pleasure. He lacks 500 accouterments, which I will try to supply very soon. Please answer immediately, and say what you will do.

JOSEPH E. BROWN.

RICHMOND, VA., *June 18, 1861.*

Governor JOSEPH E. BROWN,
Milledgeville, Ga.:

Your dispatch to the President is received. Troops mustered into service by companies must conform to Confederate organization, having not less than sixty-four rank and file. If the regiment is organized before mustered into service the organization of the companies would conform to your State law, and the regiment, in order to be entitled to elect its field officers, must do this before being mustered into service; otherwise the President would appoint the field officers.

L. P. WALKER.

MILLEDGEVILLE, *June 18, 1861.*

President JEFFERSON DAVIS:

The reply of the Secretary of War makes it impossible for me to supply the regiment in place of Colonel Semmes' regiment at present.

JOSEPH E. BROWN.

HEADQUARTERS,
Richmond, Va., June 18, 1861.

EDMUND T. MORRIS,
Convention of Virginia:

SIR: In reply to your letter of the 18th instant I have the honor to state that I consider it very important to the military operations within Virginia that proper and easy connections of the several railroads passing through or terminating in Richmond or Petersburg should be made as promptly as possible. The want of these connections has seriously retarded the operations so far, and they may become more important. All the guns, ammunition, &c., from Norfolk on reaching Petersburg have either to be transported across the Appomattox to the Richmond and Petersburg Railroad or forwarded to the Richmond and Danville Railroad and to be again transported at Richmond. The transportation of troops has also been delayed in the same manner. I have previously urged the connection of the roads within the cities of Richmond and Petersburg and hope it may now be established.

Very respectfully, &c.,

R. E. LEE,
General, Commanding.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, June 18, 1861.

F. A. BRISCOE, Esq.,
Winchester, Va.:

SIR: In reply to your letter of June 12, 1861, to Mr. F. A. Baldwin, in relation to organizing a guerrilla force, I am directed to say that such a force, when organized, armed, and equipped, will be received into service, and commissions issued to the officers thereof from this office so soon as advised of compliance with foregoing requirements.

I am, sir, respectfully, your obedient servant,

R. H. CHILTON,
Assistant Adjutant-General.

CHARLOTTESVILLE, VA., *June 20, 1861.*

Hon. L. P. WALKER,
Secretary of War, Confederate States of America:

SIR: I take the liberty of inclosing to you a statement of Capt. C. K. Sherman, late of Washington, which speaks for itself. I can from personal knowledge vouch the accuracy of most of his statement, and from my knowledge of Captain Sherman place implicit confidence in all that he says. It seems to me that he presents a strong case for your consideration, and I sincerely trust that something efficient may be done in the premises.

With high respect, your obedient servant,

SHELTON F. LEAKE.

[Inclosure.]

Memoranda for Hon. Mr. Leake.

Company A, Washington Volunteers (formerly National Volunteers), is a military company formed in Washington City, D. C., for the purpose of delivering that city from the hands of the Black Republicans into those of the South in the event of the secession of Virginia or Maryland. "Rebels," however, were scarce in Washington, and 150 men were all that could be found to aid in the glorious cause of freedom. These were at the point of the bayonet compelled to leave their homes. They are now at Camp Pickens, in the service of Virginia, and are willing and anxious to do hard service. Yet they lack accouterments and camp equipage. They are entirely without cartridge and cap boxes and bayonet scabbards. Tents are being provided by the patriotic ladies of Charlottesville, thus adding one more to the many acts of kindness extended to us by them.

This company numbers sixty men, and they earnestly desire for this number those accouterments without which they cannot be very effective upon the battle-field, viz, cap and cartridge boxes, bayonet scabbards, and, if it were not asking too much, rifles or minie muskets in place of the old muskets they now have, and they fear that for want of these they may not be with the advance. We know personally the most active of our enemy, and with improved arms we will promise to make havoc among them. The muster-rolls of this company have long since been furnished, yet the officers are still uncommissioned. These memoranda are made in no spirit of complaint, but only to draw attention to our need of those things that will enable us to do good service

to the cause to which, with all we have of mind and soul and energy, we are so truly devoted.

Very respectfully, &c.,

C. K. SHERMAN,
Captain.

AN ORDINANCE to repeal the ordinances concerning the advisory council.

Be it ordained, That the several ordinances of the convention to authorize the appointment of an advisory council, to define its authority, to increase its number, and to prescribe the compensation of its members, be, and the same are hereby, repealed.

Adopted by the convention of Virginia June 19, 1861.

JNO. L. EUBANK,
Secretary of Convention.

The foregoing is a true copy of an ordinance this day furnished to me by the secretary of the convention of Virginia.

P. F. HOWARD,
Late Secretary of Advisory Council.

JUNE 20, 1861.

[JUNE 21–SEPTEMBER 4, 1861.—For correspondence between Walker and Rector in relation to the transfer of Arkansas troops to the Confederate service, see Series I, Vol. III, pp. 595, 597, 635, 639, 669, 682, 687, 688, 689, 694.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, June 23, 1861.

Hon. Messrs. GRAHAM and RUFFIN,
Commissioners from North Carolina:

GENTLEMEN: I herewith transmit you the acts passed by the Provisional Congress at its first and second sessions, and in relation to the conversation between us had on yesterday deem it proper to say that by reference to the act "to provide for the public defense," and the emendations to that act, you will find the law regulating and controlling the organization and service of the provisional forces of the Confederate States. It will be seen that volunteers have the same organization and the same pay and allowances provided for the Regular Army, and are received and mustered into service by "companies, squadrons, battalions, and regiments" only. When thus organized, according to the act "for the establishment and organization of the Army of the Confederate States of America," they uniformly are accepted with the company and field officers selected by themselves. It is quite apparent this Department cannot receive under the law a higher military organization than that of a regiment, and it has always claimed and exercised the right to make all staff appointments, reconciling, in this respect, as far as practicable, the preferences of the volunteers with the interests of the service. Brigades are organized and general officers appointed by the authorities here. The Congress wisely confided both the one and the other to the military experience of the President, and the reservation of staff appointments to the War

Department was essentially necessary to the harmonious administration of the Commissariat, Quartermaster, and Surgical Bureau, operating throughout a field so extensive and ramified as that now existing.

Some of the States, before joining their fortunes to those of the Confederates, found it necessary to make independent military preparations and to raise troops under their own laws. These troops had been generally passed under Confederate authorities through agreements between their respective States and the Confederate Government. In view of the controlling necessity of the case and to avoid confusion the Confederate Government may, perhaps, in this manner have taken into its service troops not thoroughly organized according to the requirements of Congress, but in no instance has the Confederate Government stipulated to receive from a State a brigade as such, or a general officer, or yielded to a diminution of its power to regulate staff appointments at will. The organization of the Regular Army provided for at the first session of the Congress has been entirely suspended for the present, in view of the public necessities and the immediate demand for large forces in the field, only to be supplied through volunteers. This Department has been enabled the more readily to take this step in consequence of the law passed at the second session of Congress, in order to meet the proclamation issuing from the Government at Washington calling for enrollments for three years and enlistments for the war. By this law the President was authorized to receive volunteers for the war. Thousands have been so tendered, and by the fall the chief bulk of the Army now in the field from the original States composing the Confederacy will stand on the same basis as regulars. An enormous expense has been thus saved to the Government, at the same time that the effectiveness of the service, through the suspension of the organization of the Regular Army, has in no manner been diminished.

It is understood here that North Carolina has organized ten regiments for the war, to be passed under Confederate authorities, and it gives me pleasure to say that these regiments will be mustered into the service and received into the pay of this Department at the earliest moment after notification from Governor Ellis of their actual organic formation. But concerning the fact mentioned by you, that a number of volunteers in addition to the ten regiments reported for the war are being raised in North Carolina, it is proper for me to state that the President, under the laws of Congress authorizing him to make requisitions upon the States, will call for these troops from time to time as the public exigencies may demand. He now more especially desires to embody in the different States a reserved army corps, to be placed in camps of instruction and thoroughly prepared as regulars to meet the casualties of the battle-field and a possible reverse of arms. To this end these forces will be enrolled for the war, will be received by companies, and as thus mustered into service will be paid and subsisted by this Department. The numbers necessary to the entire corps will be determined upon and the quota of North Carolina made known to Governor Ellis in the course of a few days.

This Department would not arrogate to itself to suggest unasked what course North Carolina should pursue in the transfer of the forts and arsenals within her limits, but as the Commissioners have done me the honor to request an expression of opinion on the subject, I do not feel at liberty to decline their solicitation. Such jurisdiction over the forts and arsenals should be ceded to the Confederate Government

as would clothe it with the power fully to execute the objects of the transfer. The particular form in which this shall be done this Department will not presume to indicate. This form has varied in the different States, the transfer in some of them being absolute or without limitation, while in others the ultimate fee has been reserved, together with the right to resume jurisdiction whenever, in the opinion of the State making the cession, the power transferred should be unjustly used. I would furnish copies of these transfers, but they are not upon the files of the Department. The subject is one of vast moment, and the despotism exercised by the Government at Washington over the forts and arsenals ceded to the United States in derogation of the trust reposed in its authorities is patent on the face of events. It will be for the wisdom of your statesmen so to word the instrument of transfer as to reconcile the fundamental doctrine of State rights set forth in the Constitution with the imperative requirements of our present military operations against an insolent and audacious foe and the exacting purposes of the general defense hereafter.

I have the honor to be, with high consideration and respect,

L. P. WALKER,
Secretary of War.

GENERAL ORDERS, No. 9.* ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, June 25, 1861.*

1. The following regulations are published for the guidance of the Army, and they will be strictly enforced:

DISCHARGES.

2. No enlisted man shall be discharged before the expiration of his term of enlistment without authority of the War Department, except by sentence of a general court-martial, or by the commander of the department or of an army in the field on certificate of disability, or on application of the soldier after twenty years' service.

3. When an enlisted man is to be discharged his company commander shall furnish him certificates of his account, according to form 4, Pay Department.

4. Whenever a non-commissioned officer or soldier shall be unfit for the military service, in consequence of wounds, disease, or infirmity, his captain shall forward to the commander of the department or of the army in the field, through the commander of the regiment or post, a statement of his case, with a certificate of his disability, signed by the senior surgeon of the hospital, regiment, or post, according to the form prescribed in the medical regulations.

5. If the recommendation for the discharge of the invalid be approved, the authority therefor will be indorsed on the "certificate of disability," which will be sent back to be completed and signed by the commanding officer, who will then send the same to the Adjutant-General's Office.

6. The date, place, and cause of discharge of a soldier absent from his company will be reported by the commander of the post to his company commander.

7. Company commanders are required to keep the blank discharges and certificates carefully in their custody.

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*See foot-note, p. 369.

LEAVES OF ABSENCE TO OFFICERS.

8. In no cases will leaves of absence be granted so that a company be left without one of its commissioned officers, or that a garrison post be left without two commissioned officers and competent medical attendance; nor shall leave of absence be granted to an officer during the season of active operations, except on urgent necessity, and then as follows: The commander of a post may grant seven days' leave; the commander of an army thirty days.

9. When not otherwise specified, leaves of absence will be considered as commencing on the day that the officer is relieved from duty at his post. He will report himself monthly, giving his address for the next thirty days to the commander of his post, and of his regiment or corps, and to the Adjutant-General; and in his first report state the day when his leave of absence commenced. At the expiration of his leave he will join his station.

10. The immediate commander of the officer applying for leave of absence, and all intermediate commanders, will indorse their opinion on the application before forwarding it.

11. The commander of a post may take leave of absence not to exceed seven days at one time, or in the same month, reporting the same fact to his next superior.

12. An application for leave of absence on account of sickness must be accompanied by a certificate of the senior medical officer present in the following form:

——— ———, of the ——— regiment of ———, having applied for a certificate on which to ground an application for leave of absence, I do hereby certify that I have carefully examined this officer and find that ———. (Here the nature of the disease, wound, or disability is to be fully stated, and the period during which the officer has suffered under its effects.) And that in consequence thereof he is, in my opinion, unfit for duty. I further declare my belief that he will not be able to resume his duties in a less period than ———. (Here state candidly and explicitly the opinion as to the period which will probably elapse before the officer will be able to resume his duties. When there is no reason to expect a recovery, or when the prospect of recovery is distant and uncertain, or when a change of climate is recommended, it must be so stated.) Dated at ———, this ——— day of ———.

——— ———.

(Signature of the medical officer.)

13. When an officer is prevented by sickness from joining his station he will transmit certificates in the above form monthly to the commanding officer of his post and regiment or corps, and to the Adjutant-General; and when he cannot procure the certificates of a medical officer of the Army, he will substitute his own certificate on honor of his condition and a full statement of his case. If the officer's certificate is not satisfactory, and whenever an officer has been absent on account of sickness for one year, he shall be examined by a medical board and the case specially reported to the President.

14. In all reports of absence or applications for leave of absence on account of sickness the officer shall state how long he has been absent already on that account and by whose permission.

FURLOUGHS TO ENLISTED MEN.

15. Furloughs will be granted only by the commanding officer of the post or the commanding officer of the regiment actually quartered with it. Furloughs may be prohibited at the discretion of the officer in command.

16. Soldiers on furlough shall not take with them their arms or accouterments.

FORM OF FURLOUGH.

To all whom it may concern:

17. The bearer hereof, ——— ———, a (sergeant, corporal, or private, as the case may be) of captain ——— company, ——— regiment of ———; age, —— years, —— eyes, —— hair, and by profession a ———; born in the ——— of ———, and enlisted at ———, in the ——— of ———, on the —— day of ———, eighteen hundred and ——, to serve for the period of ———, is hereby permitted to go to ———, in the county of ———, State of ———, he having received a furlough from the —— day of ——— to the —— day of ———, at which period he will rejoin his company or regiment at ———, or wherever it then may be, or be considered a deserter. Subsistence has been furnished to said ——— ——— to the —— day of ——— and pay to the —— day of ———, both inclusive.

——— ———.

(Signature of the officer giving the furlough.)

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

TALLADEGA, ALA., *June 25, 1861.*

Hon. L. P. WALKER,
Richmond, Va.:

DEAR SIR: There are several companies in East and Northeast and Central Alabama anxious for an opportunity to serve the Confederate States. It will be quite easy to get a regiment. I think it could be made up with proper officers in two weeks. Some captains and others interested have requested me to write to you and ascertain the conditions on which they will be received, or whether they will be received at all. The policy of appointing army officers is a good one. One or two in a regiment will give efficiency and confidence. To the gentlemen whom I represent a colonel from the Regular Army would be wholly unobjectionable. Can you not authorize Col. James Longstreet or Capt. Alfred Chapman to raise a regiment? I suggest them because an Alabamian would more readily and expeditiously organize the regiment. The lieutenant-colonel and major might be appointed from the regiment or civil life, while the adjutant could be taken from the regular line. Advise me whether you will give the authority. The men are very eager, and some have been disappointed several times. Longstreet was suggested by the men who sought my interposition; Chapman was added because he is an Alabamian.

Yours, respectfully,

J. L. M. CURRY.

RICHMOND, *June 25, 1861.*

Governor GRAHAM and Judge RUFFIN,
Raleigh, N. C.:

The President directs me to say that if the volunteers are for twelve months he will accept 2,000. Beyond this number he cannot go. A reserved corps for the war of 3,000 men will be called for from your State in a day or two, to go into camp of instruction, and to be accepted by companies. This arrangement will probably absorb what is left of your volunteer organization. For other points I refer you to my letter of the 23d instant.

L. P. WALKER.

SAVANNAH, *June 26, 1861.*

Maj. J. GORGAS:

Governor Brown just ordered the arsenal-keeper not to issue anything to the order of a Confederate officer for the present. This locks up half a million caps and stops cartridge-making. I should like to see you and explain matters about the State ordnance.

W. G. GILL,
Captain of Artillery and Ordnance Officer.

ATLANTA, *June 27, 1861.*

Hon. JEFFERSON DAVIS,
President of the Confederate States of America:

DEAR SIR: I am greatly obliged by the assurances received from you that my course in reference to the arms belonging to the State of Georgia meets your approval. I am sending into the Confederate service as fast as possible Georgia regiments fully armed and equipped. This I shall continue to do as long as I have men with guns, but I can only consent that the arms belonging to the State leave the State under my direction. I regret to have to call your attention to the fact that certain companies in this State connecting themselves with regiments usually called Confederate or independent regiments are carrying the State's arms with them in open violation of my orders. I am informed to-day that a company known as the Floyd Sharpshooters, from Rome, commanded by Captain Hamilton, which has just left the State in what is usually known as the Morrison Regiment, which, it is now said, is to be commanded by Colonel Smith, have carried or caused to be transported beyond the limits of the State sixty muskets of the model of 1842, which were at Rome, belonging to the State. This has been done in palpable violation of my orders. The guns were sent from Rome to Dalton in a wagon in boxes and thence out of the State and are now doubtless in possession of the company in Virginia. For the purpose of stopping these illegal seizures and removal of the State arms in future, I hereby demand the return of the arms to me by express to Atlanta immediately, and ask you, as the company is now under your command and beyond my control, to pass such order as is necessary to secure the speedy return of the arms of which the State has been wrongfully deprived in the manner above mentioned.

JOSEPH E. BROWN,
Governor of Georgia.

[First indorsement.]

Secretary of War for attention and report.

J. D.

[Second indorsement.]

The Adjutant-General has been directed to make inquiry, and if possible the wish of His Excellency will be executed.

L. P. W.

ATLANTA, *June 27, 1861.*

Hon. L. P. WALKER,
Secretary of War:

The Tenth Regiment Georgia Volunteers will rendezvous at Atlanta on next Monday. Who will muster them into service? Must be mustered in at Atlanta.

JOS. E. BROWN.

AN ORDINANCE to provide for the disposition of the State troops and volunteers raised under the acts of the General Assembly, respectively entitled "An act to raise 10,000 State troops, ratified the 8th day of May," and "An act to provide for the public defense, ratified the 10th day of May, 1861, and for other purposes."

1. *Be it ordained by the delegates of the people of North Carolina in convention assembled*, That the State troops levied under the act of the General Assembly first aforesaid, which have been formed into regiments with proper complements of officers and men, be, and the same are hereby, transferred by regiments to the Confederate States of America upon the same terms and conditions as if they had been raised under the authority of the said Confederate States.

2. *Be it further ordained by the authority aforesaid*, That all levying and recruiting of troops under said act shall cease and determine from and after the 20th day of August next, and that all troops which shall have been raised under said act prior to that day shall be organized into regiments and transferred to the Confederate States in the manner and upon the terms and conditions aforesaid; and if there shall be an excess in the number of said troops sufficient to form a battalion, companies, or company, such excess may be organized according to its appropriate numbers and transferred in like manner.

3. *Be it further ordained*, That all appointments of officers under said act, either in the line or in the staff, over and above the number appropriated to and required by the regiments, battalions, and companies thus organized, shall cease and be vacated on the said 20th day of August next, and that His Excellency the Governor may in his discretion order any quartermaster's, commissary, or medical stores owned by the State and not required for immediate use to be turned over to the said Confederate States upon proper receipts for the articles thus delivered, to be taken by the officers accountable for the same.

4. *Be it further ordained*, That all commissions to officers in the aforesaid State troops issued by the Governor and Military Board under the authority of the act of the General Assembly to create a military board, ratified the 10th day of May, 1861, who shall remain in service after the 20th day of August next, as aforesaid, are hereby

ratified and confirmed, notwithstanding any provision in the constitution of the State for a different mode of appointment.

5. *Be it further ordained*, That the naval forces and vessels of this State be transferred to the Confederate States upon the same terms and conditions that are provided as to State troops in the second section of this ordinance, the said vessels to be paid for or accounted for upon terms to be agreed upon by the Governor with the Confederate States, and that after the 20th day of August next all naval officers of this State shall be discharged, and all vessels of the navy not accepted by the Confederate States shall be sold under the direction of the Governor.

And whereas the President of the Confederate States, through a communication from the Secretary of War, has informed this convention that he will accept from this State into the service of the Confederate States 2,000 volunteers for twelve months in addition to the four regiments already in said service, and cannot accept any greater number of volunteers for twelve months—

6. *Be it therefore ordained by the authority aforesaid*, That all volunteers who have been called out by the order of the Governor for twelve months over and above the four regiments aforesaid, and 2,000 now to be designated by the Governor and tendered to the President for service as aforesaid, shall be discharged on the 20th day of August next: *Provided*, That any of said volunteers who shall signify their desire to enlist in the State troops aforesaid, or in any corps that may be called for by the President in the meantime, shall be discharged forthwith, to the end that they may enter such new service: *And provided further*, That the Governor shall again tender such volunteers by regiments to the President of the Confederate States, and if the President shall agree to accept them, or any part of them, by or before the 20th day of August next, it shall be the duty of the Governor to order them, or as many of them as the President shall accept, into the service of the Confederate States, and discharge only the residue: *Provided further*, That any volunteers discharged as aforesaid shall, in addition to their pay, be allowed reasonable expenses for traveling to their several homes: *And provided further*, That the Governor may order out the militia as volunteers, or otherwise, in case of invasion or imminent danger thereof.

7. *Be it further ordained*, That all provisions of the aforesaid acts of the Assembly authorizing the raising of a greater number of men or of a different species of force than is hereinbefore comprehended, or are otherwise inconsistent with this ordinance, are hereby repealed and declared of no effect.

8. *Be it further ordained*, That the act of the General Assembly entitled "An act to create a military board" be, and the same is hereby, repealed from and after the 20th day of August next: *Provided*, That the office of military secretary shall be continued until the 20th day of September next for the purpose of settling the military accounts.

9. *Be it further ordained*, That no oath shall be required to be taken by the officers or soldiers of any of the forces aforesaid, except the oath of allegiance to the State of North Carolina, prior to their being mustered into the service of the Confederate States, but each man shall be held and deemed to be in military service, and subject to the Rules and Articles of War of the Confederate States from the time of his signing the articles of enlistment

10. *Be it further ordained*, That it shall be the duty of the Governor to take immediate measures and issue the necessary orders to carry into effect the foregoing provisions of this ordinance.

11 *Be it further ordained*, That this ordinance may be amended, modified, or repealed by the General Assembly so far as regards the discharge of twelve-months' volunteers which may not have been accepted by the President of the Confederate States.

Read three times and passed, June 27, 1861.

W. N. EDWARDS,
President of Convention.

Teste.

WALTER L. STEELE,
Secretary.

L. C. EDWARDS,
Assistant Secretary.

STATE OF NORTH CAROLINA,
Office of Secretary of State:

I, Rufus H. Page, Secretary of State in and for the State of North Carolina, do hereby certify that the foregoing is a true copy of the original ordinance on file in this office.

Given under my hand this 28th day of June, 1861.

RUFUS H. PAGE,
Secretary of State.

HEADQUARTERS STATE OF SOUTH CAROLINA,
June 27, 1861.

President DAVIS,
Richmond, Va.:

MY DEAR SIR: Our distinguished friend Colonel Orr has succeeded in raising a full rifle regiment, and proposes to be received into the Confederate Army "for the war." There is no portion of the Southern States from which a finer race of men could be selected for the war than from the very region where Colonel Orr has raised these, and I am satisfied they will do efficient service. I most cheerfully give my consent to their going immediately into Confederate service, because they come principally from the mountain districts of our State, where they can be safely spared, and also because of the high reputation of their distinguished colonel. I earnestly hope every facility will be afforded him in your power consistent with the public service. I would arm them with great pleasure if I had the arms, but having armed and equipped seven full regiments now in Virginia, and being compelled to keep three full regiments in and about Charleston fully armed, and having also recently ordered into encampment two new regiments on the sea-coast for exclusive State service and at State charge, both of whom will require arms, I find it impossible to supply any more.

From the arms taken in the late U. S. arsenal I sent 9,000 to Florida, 2,000 to Memphis, Tenn., and 1,000 to Lynchburg, Va. This has completely exhausted the supply of efficient arms. There were only 16,000 in the U. S. arsenal, and only about 10,000 were fit for real duty. So Colonel Orr will be before you with the highest claims. He proposes to have all the accouterments and equipments necessary made in his own region of country upon the principle of receiving Confederate bonds for the purpose, and I have no doubt it is a feasible

and perfectly safe plan, for he can have them made in his country upon the most reasonable terms and ample security to the Government. I think he will also be able to get several hundred rifles that have been heretofore given out to companies, and which I am willing to allow him to receive in exchange for guns suited to drill but not for real service. I am thus particular because I am anxious for him to receive every encouragement possible, as I feel assured that his regiment, being the only one "for the war," will do honor to his State, as well as effective service in the Confederate Army.

I have the honor to be, most respectfully and with great esteem, your obedient servant,

F. W. PICKENS.

PRESIDENT'S OFFICE,
RICHMOND, FREDERICKSBURG AND POTOMAC R. R. CO.,
Richmond, June 27, 1861.

His Excellency JEFFERSON DAVIS,
President of the Confederate States:

SIR: I was apprised some short time since by the Secretary of this Commonwealth, who is also a director of this company, of your expression to him of your sense of the importance to the public defense of a speedy connection of the railroads between Weldon and the Potomac frontier which terminate in the cities of Richmond and Petersburg. Although during the existing war and until a resumption of intercourse with the States north of the Potomac these connections are of comparatively little value to any of the companies owning these railroads, and of none to this company, which by the seizure of its Potomac steam-boats and the blockade of that river is cut off from Washington, the other terminus of its route, yet the companies have ever in former years of peace and intercourse between the Northern and Southern States appreciated the advantages of such connections, and have only been prevented from long since constructing them by the opposition of the two cities, without whose consent these companies were never authorized by the Legislature to make them. When, therefore, some six weeks since they were applied to by the military authorities of this State to say in what mode and on what terms these connections could be made and rented or sold by the Government to these companies, they immediately had the requisite surveys and estimates made by experienced engineers, and gave the desired information to the State authorities, which, on his application, they afterward furnished to the Quartermaster-General of the Confederate States. The work was ascertained and reported to be practicable, and estimated to cost about $75,000. To its construction by the railroad companies two obstacles, insuperable to them, were presented. First, the want of power to compel the consent of the cities to its construction; and second, the want of present pecuniary means to pay for it. The first of these obstacles the Governor of this State supposed he removed by his instruction to me of the 11th instant, authorizing me in a few vague words to have only one of these connections made in accordance with one (not specifying which) of three propositions which I had submitted in behalf of the companies concerned some four weeks before, to construct both these works with money to be advanced by the State and ultimately repaid by these companies. But a more precise authority being necessary,

not only because of the ambiguity of that given, but because on the face of the paper giving it appeared the unanimous advice of the Executive Council, if not questioning the Governor's power to give it, at least earnestly advising its reference to the convention, I sought for that more definite instruction, and received for reply a sanction for my hesitation to comply with his instruction in the Governor's decision to refer the matter to the convention, which he did on the 17th instant. That body on yesterday passed an ordinance giving the requisite authority to the railroad companies to construct these works, but without any pecuniary aid from the State. This, in the present crippled condition of these companies, and especially of my own company (which has lost not only half of its annual revenue, but a large portion of its capital invested in the Potomac steam-boats), it is most impolitic and probably impracticable for them to do. Certainly they cannot afford to employ on the work such a force as would complete it at any very early day. Yet, that it should be completed at the earliest possible date I learn from General Lee and the Quartermaster-General to be of the utmost importance to the public defense, and I can readily conceive this to be so. Besides the inconvenient and perhaps hazardous delays occasioned to the Army by the want of these connections, a very heavy expense must inevitably be incurred without them by the Government for the transportation through these cities of troops and army munitions and supplies. If, on account of this expense, the Government of the Confederate States could advance the whole or perhaps even the greater portion of the cost of these connections the companies constructing them might refund of that cost to the Government annually the interest and a percentage of the principal during the existing war, and within, say, three years after its termination the balance of the principal advanced, each installment of interest and principal to be retained out of what will be due then to them from the Government for army transportation, or to the extent that such installment shall exceed what shall then be due for transportation to be paid to the Government in money or its own securities. If such an arrangement be acceptable to you, and you desire any further information from me respecting it, I shall be pleased to afford it to you either in writing or in a personal interview, which last I have refrained from proposing from an unwillingness to trespass upon your valuable time, although it would afford a much better opportunity for considering and arranging what may be done. The same consideration has prevented my testifying by a special visit the high respect with which I am,

Your obedient servant,

P. V. DANIEL, JR.,
President Richmond, Fredericksburg and Potomac R. R. Co.

ORDNANCE OFFICE, *June 28, 1861.*

Hon. L. P. WALKER,
Secretary of War:

SIR: From the inclosed letter of Military Store-keeper Humphreys it appears that the State of Georgia probably owns 29,000 pounds of cannon powder, stored in the magazine at Augusta Arsenal.

Respectfully, your obedient servant,

J. GORGAS,
Major and Chief of Ordnance.

[Inclosure.]

AUGUSTA ARSENAL, GA., *June 24, 1861.*

Maj. J. GORGAS,
Chief of Ordnance, C. S. Army, Richmond, Va.:

SIR: I have the honor to return the letter of Governor Brown to the Honorable Secretary of War,* and in compliance with the indorsement upon it to report that upon a careful examination of the contents of our magazine I find on hand 394 barrels Du Pont cannon powder, 1860, 9 barrels old, and 400¼ barrels Hazard powder, making of the Du Pont and Hazard powder 49,000 pounds. Deduct the 200 barrels received a short time since by me from Memphis, and we have 29,400 pounds of cannon powder, which is probably the powder claimed by Governor Brown. I find upon inquiry of Mr. Butt that 10,000 pounds of powder were shipped from our magazine during its occupancy by the State to Charleston and Savannah. This would make 39,400 pounds, or 400 pounds more than claimed by His Excellency. I have but 9 barrels musket or rifle powder of Du Pont's or Hazard's make on hand of recent date. I have 20 barrels of 1838 and some of Garesché, 1839. This powder, though, was that originally owned by the United States. We have on hand 24 boxes of 12-pounder canister-shot, fixed, and 3 boxes of 6-pounder shot, fixed. Shall I not send them to you?

Very respectfully, I am, sir, your most obedient servant,

F. C. HUMPHREYS,
Military Store-keeper of Ordnance, C. S. Army.

RICHMOND, VA., *June 28, 1861.*

His Excellency JEFFERSON DAVIS:

SIR: I am directed by the Committee on Military Affairs to communicate to you the accompanying resolution, adopted by the convention of Virginia, and to request that you will reply thereto at your earliest convenience. Permit me to add that by a resolution adopted by the convention yesterday the present session will close on Monday next.

I am, most respectfully, your obedient servant,

P. C. JOHNSTON,
Chairman of the Committee.

[Inclosure.]

Resolved, That the Committee on Military Affairs be instructed to inquire of the Confederate Government the number of arms of every kind now in its possession, if not incompatible with the public interests to be made known, and to report to the convention, either in secret session or otherwise, as the said committee may deem proper.

LAKE CITY, *June 28, 1861.*

His Excellency M. S. PERRY,
Governor of Florida:

DEAR SIR: I have to report that I proceeded to Raleigh under your commission and met Governor Ellis and his council of war. The Governor feared public sentiment would not admit of arms being sent

*See June 5, p. 368.

south, but in his anxiety to accede to your request suggested the propriety of the Florida regiment passing through Raleigh, at which point he would furnish them either with rifle musket and bayonet, or good muskets, and bayonets, and further stated that whenever they commenced turning out arms at the Fayetteville Arsenal he would let Florida have an additional thousand muskets. In order to ascertain when we might expect them, I went to the Fayetteville Arsenal, hoping to meet Col. J. A. J. Bradford, chief of the ordnance department, in the hope of enlisting his feelings in our behalf (he being a member of the council of war). Unfortunately the colonel had left for Raleigh by the way of Wilmington, so that I did not see him. At the request of the Governor of North Carolina I stopped in Charleston to ascertain whether 1,000 saddles could be had, and in your name reported back where at least 4,000 could be found. My trip by the way of Fayetteville and detention in Charleston reduced my funds so that I used your letter of credit to the amount of $200, for which I will account whenever I hear you have reached Tallahassee. While in Charleston I kept an eye open as to where uniforms, or rather cloth for uniforms, could be had, and gave the address to a Mr. Scott, who stated he was commissioned by you to obtain such things. I reached here on Monday night and would have reported sooner, but that I understood you would be in Tallahassee very soon. The original letter of Governor Ellis I have forwarded to Tallahassee, and have taken the liberty of inclosing you a copy. * I have done this the more readily as the original was submitted to me by the Governor of North Carolina, with the remark that if I could suggest any more kindly expressions he would adopt them.

Thanking Your Excellency for the confidence reposed in me, and hoping that I discharged my mission to your satisfaction,

I have the honor to remain, yours, truly,

JAMES BANKS.

P. S.—While at Wilmington and Fayetteville I saw about eighteen tons machinery from Harper's Ferry going to Fayetteville Arsenal, so that they will soon begin to make arms there.

B.

CAMP MCDONALD, *June 28, 1861.*

Hon. L. P. WALKER,

Secretary of War:

DEAR SIR: I have a fine brigade of State troops now in camp at this place. The brigade is organized under an act of our State Legislature for the defense of the State. It is a fine body of men, consisting of two regiments, armed with muskets, model of 1842; one battalion of rifles, armed with new Harper's Ferry rifles; one battalion (four companies) of artillery, armed with muskets of model of 1842, and now being practiced in the school of the piece, with a half battery of artillery; also a battalion of cavalry (four companies), well armed and on good horses. I have just written the President tendering this brigade for the war. In the letter to him I have gone more into detail. I should like to know soon whether the brigade will be accepted. If so, I wish to equip it thoroughly in the shortest time possible.

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* Not found.

I had a letter a few days since from General Lawton on the subject of the removal of Colonel Semmes' regiment to Virginia. The general thinks the public interest would be promoted by taking three or four companies of cavalry armed with Sharps or Maynard carbines into the regiment to be raised to take Colonel Semmes' place. The cavalry would be used for rapid skirmish and as sharpshooters along the coast. On yesterday I saw Capt. W. J. Lawton, who commands the Dougherty Guards, at Albany. He is armed with Sharps carbines, and says he has tendered to you and that you have agreed to accept him if I will permit him to use the State's arms. In the event you will accept a few companies of cavalry on the coast as part of the regiment to take the place of Colonel Semmes I will order him among the number, and will furnish other companies armed with good carbines. I cannot, however, organize the coast regiment at present unless you will engage to take charge of the men by your quartermaster and supply their wants while rendezvousing. Please let me know your decision on the points mentioned as soon as convenient.

I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

AN ACT authorizing the Governor to receive into the military service of the State of Tennessee all free male persons of color between the ages of fifteen and fifty, or such numbers as may be necessary, who may be sound in mind and body and capable of actual service.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act the Governor shall be, and he is hereby, authorized, at his discretion, to receive into the military service of the State all male free persons of color between the ages of fifteen and fifty, or such numbers as may be necessary, who may be sound in mind and body and capable of actual service.

2. That such free persons of color shall receive each $8 per month as pay, and such persons shall be entitled to draw each one ration per day, and shall be entitled to a yearly allowance each for clothing.

3. That in order to carry out the provisions of this act it shall be the duty of the sheriffs of the several counties in this State to collect accurate information as to the number and condition, with the names of free persons of color subject to the provisions of this act, and shall, as it is practicable, report the same in writing to the Governor.

4. That a failure or refusal of the sheriffs, or any one or more of them, to perform the duties required shall be deemed an offense, and on conviction thereof shall be punished as a misdemeanor.

5. That in the event a sufficient number of free persons of color to meet the wants of the State shall not tender their services, the Governor is empowered, through the sheriffs of the different counties, to press such persons until the requisite number is obtained.

6. That when any mess of volunteers shall keep a servant to wait on the members of the mess each servant shall be allowed one ration.

This act to take effect from and after its passage.

Passed June 28, 1861.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
B. L. STOVALL,
Speaker of the Senate.

RICHMOND, *June 28, 1861.*

Hon. L. P. WALKER,
Secretary of War:

The Governor and council of Virginia commissioned Charles Smith colonel of a regiment of active volunteers in the two counties of Accomac and Northampton, forming the Eastern Shore of this State, and ordered them into encampment. The regiment was to consist of ten companies of not less than 50 nor more than 100 strong. This regiment is now in camp, part in Accomac and the others in Northampton. This force is, from necessity, obliged to be local. It cannot be removed into any other part of Virginia, nor can the Government without a large naval force afford any protection to those counties in the event of invasion. A portion of the volunteers would be glad to have an opportunity to mingle in the army movements in other parts of the State, but so long as Maryland is under military occupation and the Chesapeake Bay is blockaded it is physically impossible for them to do so. The blockade can only be run by row-boats or small vessels occasionally in the night, with favorable winds.

First. I wish to know whether the volunteer regiment under Colonel Smith has been transferred to the Confederate Government under the treaty of alliance, offensive and defensive, or otherwise.

Second. If it has been transferred, are the officers and men entitled to pay from the time they were ordered into encampment by Governor Letcher?

Third. If they be, inasmuch as there will probably at the present time be no invasion of the two counties by a regular Federal force, but only occasionally by marauding or foraging parties, can any arrangement be made by which only a part of the regiment may be required to be in camp at a time and receive pay only when doing camp or other duty?

The difficulties of obtaining any information from the Government on this side of the Chesapeake Bay by persons on the other side induces me to request the Secretary to be as full in his answers as he conveniently may, so that I may be enabled when I return to the Eastern Shore of the State to inform the officers and men of the regiment upon what footing they stand. An invasion of the peninsula is threatened from time to time, and occasionally reports that an army is marching through Delaware down upon the border of Accomac, but as yet no enemy has made his appearance—at least had not ten days ago. Northampton is entirely loyal and three-fourths of Accomac are, and some of the disloyal in the latter county I have heard have petitioned Lincoln's Government to send forces there to protect them, when they have not been disturbed because they have done nothing except to vote against a ratification of the ordinance of secession. But this movement renders a regular organized force there necessary, independent of apprehension from any other cause.

Very respectfully,

MIERS W. FISHER.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, June 29, 1861.

Major GORGAS,
Ordnance Bureau:

SIR: Your communication of the 28th, returning Governor Brown's letter to me of the 5th instant, and also covering one to yourself

from Mr. Humphreys, military store-keeper at Augusta, of date the 24th, has been received. I think the facts show that Governor Brown is entitled to 29,000 pounds of powder in the arsenal, and you will, therefore, direct it to be delivered to him.

Respectfully,

L. P. WALKER,
Secretary of War.

RICHMOND, *June 29, 1861.*

Governor JOSEPH E. BROWN,
Atlanta, Ga.:

Captain Gill telegraphed from Savannah that you have ordered arsenal-keeper not to issue anything to order of Confederate officers. Will you please explain the facts.

L. P. WALKER.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 29, 1861.

His Excellency THOMAS O. MOORE,
New Orleans, La.:

SIR: This Department requests that you will, if possible, raise two additional regiments for the war, to be sent to Corinth, Miss., for the protection of the Mississippi Valley. These two regiments will not be embraced in the reserve corps, which I shall call for in a few days.

Very respectfully,

L. P. WALKER,
Secretary of War.

(Same to Governor Pettus, of Mississippi.)

JOINT RESOLUTION to transfer volunteer forces to the Confederate States.

Resolved by the General Assembly of the State of Tennessee, That the Governor be authorized and requested to place at the disposal of the Confederate States the volunteer forces of the State of Tennessee, the same to be mustered into the service of said States, subject to the rules and regulations adopted by the Confederate authorities for the government of the Confederate Army, and that in making arrangements therefor we shall have in view the placing of the defense of the State under the immediate control and direction of the President of the Confederate States.

Adopted June 29, 1861.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
B. L. STOVALL,
Speaker of the Senate.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, June 29, 1861.

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: Notwithstanding that Virginia troops are being received for twelve months, I beg to state that the policy adopted by the President is not to receive any troops into the Confederate service for a period less than three years or for the war. This rule, of course, will not

apply to troops in the service of Virginia at the time of the transfer, but it does cover all cases occurring since.

Very respectfully,

L. P. WALKER,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
June 30, 1861.

SIR: In the presence of public danger precautionary measures are always wise. However confident of success an Administration may be, a failure to provide for all casualties that may possibly arise can never be pardoned. The fortunes of war are as various and changeable as are the talents and abilities of those conducting its operations. The Government of the Confederate States has no misgivings as to the future success of our arms and interprets no omen as presaging defeat. Nevertheless, the President deems it prudent, if not essential to the public safety, to form and organize a reserved army corps of 30,000 men, and to apportion to ——— the quota of ———. Your Excellency will therefore receive for the war ——— men, by independent companies, each company to be composed of 1 captain, 1 first lieutenant, 2 second lieutenants, 4 sergeants, 4 corporals, 2 musicians, and from 64 to 100 privates. For this purpose you are authorized to establish two camps of instruction at accessible points, where you will order these companies to rendezvous, and where they will be mustered into service by companies. These camps of instruction will be under the control of this Department, and the President will assign competent officers to take charge of them, the object being to drill and discipline the men. From time to time the President will organize these companies in battalions or regiments, as he may prefer, and will appoint the field officers and the staff. It will not be a prerequisite to accepting these companies that they shall be armed, although it is hoped that many of them will be. In addition to the above requisition the Confederate States will need from ——— two companies of cavalry, numbering from 60 to 100 men each, in order to complete the army corps contemplated by the President. These companies of cavalry, when furnished, will rendezvous, with like companies from other States, at Corinth, in Mississippi, and not at the camps of instruction in ———. All the companies of cavalry there collected will be drilled by suitable officers and prepared for active and efficient service in the field. They must be armed and equipped to be received. Each company of cavalry should consist of 1 captain, 1 first lieutenant, 2 second lieutenants, 4 sergeants, 4 corporals, 1 farrier, 1 blacksmith, 2 musicians, and from 60 to 100 privates.

Very respectfully,

L. P. WALKER,
Secretary of War.

NOTE.—The above letter was addressed to the Governors of the States of Tennessee, Mississippi, Arkansas, Alabama and Georgia, the blank being filled with 3,000 for each of these States.

The same letter, omitting the requisition for cavalry, was addressed to the Governors of the States of North Carolina, South Carolina, Virginia, Louisiana, Texas and Florida, the blanks being filled with 2,000 for Texas, 1,000 for Florida, and 3,000 for each of the remaining States. In the case of Florida, for "two camps of instruction," read "a camp for instruction," and for "regiments," read "a regiment."

HEADQUARTERS STATE OF SOUTH CAROLINA,
June 30, 1861.

Honorable Mr. WALKER,
Secretary of War:

SIR: According to your two requisitions sent me in February calling for 8,000 men, I ordered into service, under the immediate command of General Beauregard, eight regiments. The dispatches of Governor Letcher to me and then the dispatches of President Davis induced me to send immediately two regiments, fully armed and equipped, to Richmond, which were the first troops to enter Virginia from any State. Then President Davis dispatched to me that the other eight regiments I had might be mustered into Confederate service, and I was to designate five of them to send to Virginia, and to retain the other three after they were regularly mustered into Confederate service in the State for local defense. Your directions afterward confirmed this. I accordingly had five regiments immediately mustered in by Confederate receiving officers and sent them to Virginia, where they now are with the two first sent, making in all seven full regiments with 6,800 men, and I have armed them all and furnished tents and equipments and ammunition. Some four of these regiments are now in the front lines beyond Manassas Junction. The first regiment of the eight above referred to, under Colonel Hagood, declined to muster into Confederate service, and I immediately relieved them from duty and discharged them for the present. The Sixth Regiment, under Colonel Rion, in part declined also, but seven of the companies were mustered in and the other three to fill it up are now being received. The Fourth, under Colonel Blanding, was in fact but a battalion, as part of it had previously gone to Virginia in Colonel Kershaw's regiment, and I ordered it to be filled up and expect it to be completed in a very few days now.

Under the original understanding I will retain it and the Sixth at healthy positions near Charleston for the present, so that they, or at least one of them, may be relied on to strengthen the forces on Sullivan's Island on one side or the mouth of Stono on the other side, in case any sudden emergency should arise or any invasion be threatened. Of the regular enlisted troops that were turned over to the Confederate Government I have two full artillery companies in Fort Sumter and two artillery companies in Fort Moultrie, under the immediate command of Lieutenant-Colonel Ripley. There is one company also stationed in a fort recently erected beyond the Moultrie House, on Sullivan's Island, in order to protect the upper part of the island from any landing of troops at Bull's Bay or elsewhere, and this company is under Captain Butler.

There are also three companies of infantry stationed on Sullivan's Island, and one at forts or redoubts on the North and South Islands, at the entrance of Georgetown Harbor. This company is now training as an artillery company. I have also two companies on Cole's Island, at Fort Palmetto, and two at Fort Pickens, both being located near the mouth of Stono, to guard the approaches to Charleston from that quarter. The channel there is in high tide some fourteen feet, and it was through this entrance that the British landed in the Revolution and took Charleston, and they again landed there in the war of 1812. I think it is now protected. The reserve regiment stationed at Summerville is intended to strengthen those posts, or the posts on Sullivan's Island, if necessary. I have also ordered a thorough reorganization of the Charleston troops this summer, and I have about 1,800

men, well armed and equipped, in the city, of the State volunteer corps. These men are the best trained troops in the State, and are in many respects equal to regulars. I have had them in service all the winter, and hold them now under strict orders to move at any moment.

Under the scientific examinations of General Beauregard I have ordered the State engineers to commence forts at Hilton Head and Bay Point, the entrance to Beaufort Harbor. Since your judicious appointment of Major Trapier, at my urgent solicitation, I have ordered all officers to act in concert with him. I desire to order the Fourth or the Sixth Regiment down to those points to protect the erection of the works agreed upon. I have erected two forts or redoubts at Edisto and have two companies of State troops in them. This is an important entrance, as the water is eighteen feet deep, and if the enemy were to enter there they would annoy us exceedingly by their approaches to Charleston toward the Ashley River and the Long Bridge. I have besides these ordered a regiment, under Colonel Heyward, who is a graduate of West Point, into encampment at Grahamville, on the Beaufort coast, and also a regiment on the Georgetown coast, under Colonel Manigault, who is an officer of experience. These two regiments are under State authority and expense.

If any disaster happens to our troops in Virginia I am willing to order the Fourth Regiment, all equipped, to make a reserve, and to go immediately to the scene of action, but I would be glad to have from you a certain acknowledgment that if I am invaded in the fall, after cool weather sets in, I may order back immediately some of the regiments I have sent to Virginia for the defense of our coast, if it should appear to be necessary, and of course such orders to be issued by you at my request. I can get men a plenty, but the difficulty will be as to arms, and as I have sent off with the regiments to Virginia 7,000 fine arms, and also 6,000 to Florida, 2,000 to Tennessee, and 1,000 to Lynchburg, you will perceive that I shall be scarce of arms, particularly when you know that I have armed 1,800 men in Charleston and 1,000 men of the regular forces, and 1,800 men in the two new regiments mentioned before on the sea-coast besides. This would make in all about 20,000 stand of arms that I have furnished. There were but 16 [16,000] stand of arms in the late U. S. arsenal, and only about 9,000 of them were really efficient arms.

Col. R. H. Anderson, for many years an officer in the late U. S. Army, is in command of all the forces in and about Charleston. I make this statement of our military position in this State because I desire to act cordially in concert with the Confederate authorities and do all I can to support their defense of our common country. I have no means of accurate information, but it strikes me if Virginia has as many troops enrolled and ready for action as is reported, then immense expense might be saved in using them, and not drawing many more men from the remote Southern and weaker States. I hope I will receive from your Department a direct approval of my retaining the Fourth and Sixth Regiments in the positions I have indicated, and that they will not be moved without my approbation. If we should meet with disaster in Virginia, as I trust we will not, then in that case I would be willing to move forward one of these regiments to your support, if desired. Colonel Hampton's Legion is just moving on to Virginia, and Colonel Orr has also raised a noble rifle regiment, all ready to move, and is now in Richmond arranging to take them on, and when these get there we will have nine full regiments in Virginia. Our sea-coast is extensive and quite exposed.

Our forts in Charleston Harbor are on a large scale for so small a State, and when cold weather sets in it will be a great object with our enemies to invade us. If I could only be sure of plenty of arms and ammunition I can defend the country or make it not worth conquering.

I have the honor to be, very respectfully, yours,

F. W. PICKENS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, June 30, 1861.

MIERS W. FISHER,
Member of Convention, Richmond, Va.:

SIR: Your letter of June 28 has been received, and I hasten to reply to your several inquiries. The regiment under Colonel Smith has not been transferred *eo nomine* or specifically to the Confederate States of America, but that regiment was included in the transfer of all the volunteer forces of Virginia and it is now in the Confederate service. The officers and men are entitled to pay from the Confederate States after the 30th of June, and up to that time they will receive their pay from the State of Virginia and through the officers of said State. In relation to your third inquiry, it is not deemed expedient or consistent with the efficiency of military order to permit a part of the regiment to leave the service for a time and only a part to remain in active service. The whole regiment, so long as it continues in the service at all, should remain in the field and under arms; especially since, as you say, some persons have invited the Government at Washington to send forces to Accomac and Northampton, under the pretext that they need its protection.

Respectfully,

L. P. WALKER.

WARM SPRINGS, *June 30, 1861.*

Honorable SECRETARY OF WAR:

When I had the honor of an interview with you some ten days ago upon the importance of establishing a guerrilla service in the northwest, I understood you to agree with the views presented, and that you would ask the concurrence of the President, and in the event of his approbation that the service would be ordered. Since I have anxiously awaited a communication from you; anxiously, because as a citizen of the northwest I am deeply interested not only in defeating the enemy, but in whipping him by any and all means and as speedily as possible. I am on my way home now after an absence of a week, traveling through the counties immediately east of the Alleghanies, and have several companies now forming for the service. In my own county (Pocahontas) one company was, and another nearly, formed. May I hope to hear from you at once, and, if it is your pleasure, receive orders to muster the ten companies I proposed to raise into service at once, for I am satisfied that every moment's delay in the northwest is a great injury to our cause and adds strength to the enemies of our country.

I am, very respectfully, yours,

WM. SKEEN.

Address me at Pocahontas Court-House, Va.

[JULY 1, 1861.—For Walker to Green, appointing the latter agent for the purchase of arms and munitions of war in Europe, see Series II, Vol. III, p. 687.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 1, 1861.

His Excellency A. B. MOORE,
Montgomery, Ala.:

SIR: A letter was yesterday addressed to you from this Department, as well as to the Governors of certain of the other States of the Confederacy, requesting them to furnish the quota of men apportioned to each of their States, respectively, in order that the Government might have organized a reserved army corps of 30,000 men. In addition to the above it has been deemed essential by the President, under all the circumstances at present surrounding the Government, that several other regiments from the States should be speedily gotten into the field. Alabama has never yet hesitated to give a patriotic response to calls made upon her by this Government for troops, and the President has no fears that she will hesitate or falter now. With this consciousness he makes hereby a requisition with entire confidence upon you for two regiments of infantry, armed and equipped, whose services are to be tendered for the war. He expresses the hope that you will have them ready for the field at as early a day as practicable. It will perhaps be proper to state here that, being called for in regiments, these troops will have the right to select their own field officers—all officers, in short, except the staff officers, to wit, the assistant quartermaster, the assistant commissary, surgeon, and assistant surgeon, who will be appointed by the President.

Very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

(Same, *mutatis mutandis*, to Governor Joseph E. Brown, Milledgeville, Ga.)

ATLANTA, *July 2, 1861.*

Hon. L. P. WALKER:

In reply to your dispatch asking explanation about the arsenal at Savannah, I state that the arsenal and its contents are the property of the State. I can only permit supplies to be issued from it by a State officer under State authority, for which receipts must be given by a Confederate officer if he receives the supplies. Your officer at Augusta has locked up in the magazine a large quantity of powder purchased and placed there by the State. I have written, asking an order that he deliver the State property, to which I have received no reply. Will you please explain?

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 2, 1861.

Col. WALTER GOODMAN,
Holly Springs, Miss.:

SIR: The Secretary of War directs me to address some inquiries to you in regard to a communication from Mr. W. Brooke on the subject

of the manufacturing of arms by a skillful mechanic in your vicinity. He desires to know whether the party referred to would be likely to possess the ability to fabricate such arms as the Government requires, and such other particulars as will doubtless suggest themselves to your mind.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

EXECUTIVE DEPARTMENT,
Nashville, July 2, 1861.

His Excellency JEFFERSON DAVIS,
Richmond:

SIR: I have the honor to transmit herewith a copy of joint resolution adopted on 29th ultimo by the General Assembly of the State of Tennessee,* according to the provisions of which I hereby tender to the Confederate States the provisional army of Tennessee, and propose to have them mustered into the service of that Government.

The provisional army of Tennessee is composed of twenty-two regiments of infantry, two regiments of cavalry, ten companies of artillery, engineer corps, ordnance bureau, &c., commanded by Maj. Gen. Gid. J. Pillow, Major-General Anderson, Brigadier-Generals Zollicoffer, Cheatham, Foster, Caswell, and Sneed. The infantry fully armed and equipped ready for the field; part of the cavalry armed with revolvers and sabers, the balance with double-barrel shotguns, and all well mounted. No field batteries completed yet; a sufficient number in progress for such of our artillery companies as will not be in command of our stationary batteries on the river. Tennessee makes this tender with the hope that it will be accepted by Your Excellency, and, with perfect confidence that if it is, the Confederate States will at all times defend her soil from invasion.

Very respectfully,

ISHAM G. HARRIS.

PRESIDENT'S OFFICE,
RICHMOND, FREDERICKSBURG AND POTOMAC R. R. CO.,
Richmond, July 2, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: In compliance with your request of this morning I herewith hand to you a copy of my recent communication to the President in relation to the railroad connections in the cities of Richmond and Petersburg.† In addition to the information therein contained you desired to be informed: First. Within what time the railroad companies concerned would bind themselves to construct these works if supplied by the Confederate States Government with the requisite pecuniary aid advanced on account of the cost of transportation to be performed by them for the Government. Second. What would be the amount of that pecuniary aid required. Third. At what time or times and in what mode and amounts those companies would refund to the Government the money so advanced. My reply to the first of

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* See p. 411.

† See Daniel to Davis, June 27, p. 405.

these inquiries is, that although these works may be constructed in from six weeks to two months, yet, in view of the difficulty at this time of procuring either men or materials for such a work, the companies concerned could not bind themselves to complete the work in less than three months from the day when the arrangement with the Government shall be made. Second. To the second inquiry I reply that $60,000 in money or in the bonds of the Confederate States would greatly facilitate the early construction of these works, but even $50,000 of the same funds would enable them to construct them within the three months specified. Third. This amount, if so advanced by the Government, the railroad companies could refund in annual installments of 10 per cent., payable in tolls and fares for transportation done for the Government so far as the same shall be due at the date when each installment shall be due, and in money or C. S. securities to the extent that the said tolls and fares shall fall short of any installment at the date when it shall be payable, the whole balance of the amount so advanced by the Government, with legal interest thereon from the date or dates of such advancement, to be repaid to the Government at the expiration of three years after the termination of the existing war.

Asking the favor of a reply as early as may be convenient to you,

I am, with much respect, your obedient servant,

P. V. DANIEL, JR.,

President Richmond, Fredericksburg and Potomac R. R. Co.

(In behalf of the companies concerned.)

NEAR GAINESVILLE POST-OFFICE,

Prince William County, Va., July 2, 1861.

Hon. L. P. WALKER,

Secretary of War:

SIR: At the hands of Mr. G. B. Lamar I am just in receipt of your letter of yesterday's date, and note the association and trusts therein confided to me.* I accept both. Although the concluding paragraph of your letter is comprehensive in application, it does not cover the latitude I asked for—*i. e.*, that you would empower me to fit up any vessel I might secure for the conveyance of arms for the State of Georgia with military stores for the Confederate States, to wit, leather, tin, copper, shoes, woolen stockings, flannel, coarse cloth, buttons, surgeons' stores, &c. This privilege would enable me to control an entire vessel and make superior arrangements for her descent upon the coast, and the division of the freight money could be equitably made. My plan would be to ship the cargo as British property, under a British flag, with a clearance for the free port of Saint Thomas or to Matagorda, where the cargo could be deposited in default of an open Southern port, to which the ship-master would be driven for correction of chronometer or for water until warned off. It will greatly facilitate our common interests if you will grant me this authority. The surveillance at all points of our frontier is so great that it will not be safe to carry your letter with me. I therefore shall destroy, after committing its contents to cipher, and rely upon my friend Mr. Anderson for recognition by Mr. Huse. It will be well, however, in the event of the former being absent, that you give me some password or the date and

* See Series II, Vol. III, p. 687.

first and last words of your last letter to Mr. Huse as my credentials. I have determined, as soon as I have your reply to this letter, to proceed immediately in my own carriage direct to Lord Lyons, at Washington, where I can get his visé to my passport, and so proceed to New York for instant embarkation. This will place me in England much quicker than going via the West and Quebec. (I shall not fail to return via Quebec.) Once in England, my colleagues shall have my hearty and energetic co-operation in your interests. Mr. Browne, the Assistant Secretary of State, has the means of communicating to me in cipher any communications you desire to make to me during the summer. They will go via Nashville to New York. My nephew, Mr. Josiah [G.] Low, an Englishman (thoroughly with us), will drive me to Alexandria and return with my carriage, and I shall be accompanied to England by one of my wife's maids, an English girl ten years in our family. Will you please send me a note to the effect that "Charles Green, Josiah Low, and Mary Ruxburgh have permission to leave the State and return at will with their baggage." Your reply is all I wait for.

Respectfully, yours,

CHARLES GREEN.

[JULY 2, 1861.—For Munford to Toombs, inclosing letter from Munford to Cridland, "relative to the supposed compulsory enlistment" of British subjects in Virginia military organizations, see Series II, Vol. III, p. 687.]

EXECUTIVE DEPARTMENT,
July 3, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I received yesterday (through the mail) your letter dated June 30, making a requisition on me for 3,000 men, that being the quota of Virginia in the reserved army corps proposed to be raised to serve for and during the war. My proclamation calling for this force will be issued in the morning, and every proper effort will be made to have the number raised as speedily as practicable. Richmond and Staunton will be designated as the accessible points for the camps of instruction, where the companies will rendezvous and be mustered into service.

I regret that I cannot concur in the principle asserted in the latter part of your communication, that "the President shall organize these companies into battalions or regiments, as he may prefer, and appoint the field officers and the staff." On reference to the Constitution I find that the right of appointing the officers of the militia is reserved "to the States respectively." The question seems to me, therefore, to resolve itself into this: Are the troops called for militia? If so, it seems plain to my mind that the right to officer them is with the State. If not militia, what description of troops are they? Can they be considered regulars? If so, under what authority can the State be called upon to furnish regulars? If the militia are called into service by companies, the States may be deprived of the power to appoint field officers of all grades. If by battalions, then they may be deprived of the power of appointment of all field officers of higher grade than

major. Surely it cannot be that the framers of the Constitution contemplated such results. I earnestly, therefore, but at the same time most respectfully, protest against the exercise of this power.

Respectfully,

JOHN LETCHER.

MONTGOMERY, ALA., *July 4, 1861.*

Hon. L. P. WALKER:

Yours of the 30th of June and 1st of July received. The 3,000, in companies, unarmed, and the two cavalry companies, armed, can be had; but the State cannot arm more than one of the regiments called for in yours of the 1st of July; it has not the arms to arm one. Leaves the State almost defenseless.

A. B. MOORE.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 4, 1861.

Hon. J. L. M. CURRY,
Talladega, Ala.:

SIR: In reply to your letter of the 25th of June the Secretary of War directs me to say that Colonel Longstreet has been appointed general, and that Mr. Chapman should report himself for duty without delay. His location has not been known to the Department and he has never accepted his appointment. The Secretary would be glad to get a regiment, if armed. If organized before tendered it might elect its own officers; if tendered by companies the President appoints.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

RICHMOND, VA., *July 4, 1861.*

Governor J. E. BROWN:

SIR: Can you furnish a volunteer regiment—five companies mounted and five on foot? The mounted companies to be armed with breech-loading carbines, the foot companies to be armed with rifles. If agreeable and consistent, I wish you to give this regiment priority in the issue of arms and equipments.

JEFF'N DAVIS.

HEADQUARTERS, SOUTH CAROLINA,
July 5, 1861.

Honorable Mr. WALKER,
Secretary of War:

SIR: I received last evening your two requisitions—one dated the 30th ultimo and the other the 1st of July, instant. In the former you call for two camps of instruction, with 3,000 men, in companies, for the war. As to the details of this plan, Adjutant-General Gist, of my staff, is charged with my views, and I await his information, to be derived from you. As to the two regiments for the war, armed and equipped, I will select Colonel Orr's as one, and I most respectfully suggest that I have now the Second and Sixth Regiments in

camp and mustered into Confederate service, each about 1,000 strong; and if you desire either to occupy the place of Colonel Gregg's regiment, just discharged, and you will send me the requisition, I will order them on immediately; and as they are both fully armed and equipped, perhaps if you were to allow me I might get them for the war, or at least one of them, and take it as the other regiment, making two for the war, according to your requisition of the 1st instant. The advantage in this is that it would save time, and the arms are in their hands. However, they might not be willing to change their term of service from the twelve months to the war. General Gist will have a full interview with you, and he is fully acquainted with my views. You will find him a thorough-bred and accomplished officer of great information. I shall await his communications to me from Richmond.

Very respectfully and truly,

F. W. PICKENS.

[JULY 5–OCTOBER 4, 1861.—For correspondence between the Secretary of War, Governor Harris, and General Polk, relating to transfer of the provisional army and military stores of Tennessee to the Confederate States, see Series I, Vol. IV, pp. 362, 363, 371, 375, 379, 411, 431, 436.]

HEADQUARTERS, *Atlanta, July 6, 1861.*

Hon. L. P. WALKER,
Secretary of War:

DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 30th of June, 1861, in which you say the President deems it prudent to organize a reserved army corps of 30,000 men, and to apportion to Georgia the quota of 3,000. You then request me to receive for the war 3,000 men by independent companies. You also state that I am authorized to establish two camps of instruction at accessible points, where I will order these companies to rendezvous, when they will be mustered into service by companies, and that the camps of instruction will be under the control of your Department; that the President will appoint competent officers to take charge of them and will appoint the field and staff officers, and that it will not be a prerequisite to accepting these companies that they shall be armed. You also state that you desire two companies of cavalry to rendezvous at Corinth, Miss., and that they must be armed and equipped to be received. While I protest against the right of the President under the Constitution of the Confederate States to appoint the field and staff officers for the 3,000 volunteers called for by you and claim that the State of Georgia has this right, I will furnish the number of men required by the President, and will order them into camp of instruction at two convenient places so soon as you will inform me who will, under your instructions, receive the companies as they arrive at the place of rendezvous and make provision for their support and comfort. I have at present in camp of instruction a brigade of 2,500 men, well armed and equipped, which is intended to repel any invasion of the State. This brigade is organized under a special act of the Legislature of this State, and it now requires all the time of the State quartermaster to attend to its wants.

I cannot, therefore, assist in the support of the 3,000 men required by you, nor can I promise to arm or equip any portion of them. The arms of the State are now nearly all in the service of the Confederate States, and as the funds at my command under the act of the Legislature are limited, I cannot engage to do more than equip such regiments as are organized as State regiments and such as are permitted to enter the service with field officers appointed by State authority. I will, if in my power, furnish the two companies of cavalry, armed and equipped. Having loaned the President 500 Sharps carbines for cavalry in Virginia and having armed the battalion of cavalry now in the service of the State at Camp McDonald, I fear I may find it difficult to arm and equip the companies now required. Should circumstances render it necessary for the President to employ the services of a brigade of the character above mentioned, I renew the tender heretofore made of the State's brigade, thoroughly armed and equipped.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

HEADQUARTERS,
New Orleans, July 6, 1861.

Hon. L. P. WALKER,
Secretary of War, Richmond, Va.:

SIR: Your requisition of June 30 has been received. I will raise the two regiments you want for Memphis as early as possible. One of them, to be commanded by Colonel Marigny, is nearly ready. It will be more difficult to supply the 3,000 men you want as a reserve corps, but I will proceed to form it. Enlistments for the war, especially when they know they are to go into a camp of instruction, will be very slow. The requisitions upon the effective force of the State have already been heavy, although our people have exceeded the number called for, more troops being in the field now from this State than were required to fill your requisitions. If Colonel Marigny's regiment, which is a war regiment, can be considered one of those of the reserve corps, or rather as a part of the 3,000, it would be advisable. He is a man of military education. If I arm the two Memphis regiments and the 3,000 it will leave me without a gun for our own people, and surely we ought not to be without arms when we may reasonably expect an invasion ourselves in the fall at furthest. I telegraphed about the chain to be stretched across the river from fort to fort.

I am, very respectfully, your obedient servant,

THO. O. MOORE,
Governor.

CUSTOM-HOUSE, COLLECTOR'S OFFICE,
New Orleans, July 6, 1861.

Hon. L. P. WALKER,
Secretary of War, Richmond, Va.:

SIR: I have the honor to inform you that the light schooner W. R. King returned in safety to Berwick Bay on the 30th ultimo, without having fallen in with either the Bamberg or Windsor Forest. The report of Mr. H. L. Hanley, who had charge of this expedition, will be forwarded at an early day. Although unsuccessful in finding these vessels, information has been elicited that will be valuable in trans-

ferring the arms and munitions to the Confederate States should the Windsor Forest have made a port in the West Indies in safety.

Very respectfully, your obedient servant,

F. H. HATCH,
Collector.

CHARLESTON, S. C., *July 7, 1861.*

Hon. L. P. WALKER:

SIR: I reached this place this morning from Augusta, Ga., where I spent two days with moderate success in purchasing rifles. It being Sunday, I am unable to say with what success I shall meet here, but I am satisfied that I shall be able to procure at least fifty rifles. I have shipped up to this date nearly 400 rifles, in good condition, to the commanding officer at Fort Smith. I now propose to go through the States of South Carolina and North Carolina, and perhaps Tennessee again, relying upon procuring the rest of the rifles in the two former States. I shall proceed from this place to Columbia, S. C., where I respectfully request that you will send me a draft for $250 (payable in gold) for traveling purposes. It is of great advantage to me to have gold, as I find the greatest difficulty in passing the bank notes of one State at par, in an adjoining State even. I will be in Columbia, S. C., by the time that the draft reaches there. I find everywhere I go that there are other persons in the market purchasing rifles, even at prices which I do not feel myself justified in giving. It is therefore very necessary for me to have the proper currency and the ready money to move expeditiously from place to place, and take advantage of every opportunity which offers itself to make purchases. I respectfully request that as little delay as possible may attend the forwarding of the funds.

I am, sir, your obedient servant,

THOS. B. MILLS,
C. S. Navy.

HDQRS. LOUISIANA MILITIA, ADJUTANT-GENERAL'S OFFICE,
New Orleans, July 7, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: Governor Moore instructs me to acknowledge receipt of your communication of the 30th of June, making a further requisition upon the State of Louisana for 3,000 troops as a *corps de reserve* for the war, and to state that as soon as the two regiments now being organized for the twelve months shall have been completed he will proceed to organize the companies called for, and transfer them as soon as ready to the Confederate States. The Governor desires to know whether, having selected the places for the two encampments, the companies being placed, they are to be maintained at the expense of the State of Louisiana or if the Confederate States will take charge of them and furnish the subsistence stores, &c. If they are to be kept at the expense of the State until called into active service of the Confederate States he instructs me to say that he cannot do it, but that it must be done at the expense of the Confederate States.

Respectfully, your obedient servant,

M. GRIVOT,
Adjutant and Inspector General.

ATLANTA, *July 8, 1861.*

Hon. L. P. WALKER,
Secretary of War:

DEAR SIR: Your letter of the 1st instant was forwarded to me at Camp McDonald. You make requisition on me for two more regiments of infantry, armed and equipped, in addition to the 3,000 men required by companies by your letter of the day previous. I do not understand you that these two regiments are required as a part of Georgia's just quota, as I am satisfied you will admit she has done as much as her just proportion when she shall have furnished the 3,000 men added to those already sent forward. I am not disposed, however, to discuss the question of quota. If the troops are needed and the wishes of the government of Georgia in matters vital to her interest and her honor are respected, I shall do all in my power to gratify every wish of the President. The brigade now in camp of instruction is organized in strict conformity to the statute of this State and is a splendid body of men, thoroughly armed, and in a few days will be fully equipped. In its organization I have but carried out the law of this State, and I now have the men so trained that I feel that they are prepared for service. If the object of your requisition is to take from this brigade the two regiments and then reject the three battalions and the commanding officer, I most respectfully decline to comply with the requisition. I will, however, do all in my power to collect in the shortest time possible such companies in the State as have arms, and form out of them two regiments, with which I will fill the requisition. I may be able, probably, to equip them; if I should not, you will, I trust, feel that I do not ask too much when I request that you do for Georgia what you have done for other States—equip part of the troops which she furnishes you under requisition. I wish to act in a spirit of liberality in the whole matter and trust you will do the same. I therefore make you this frank proposition: If you will receive the brigade as it is, armed and equipped, with General Phillips in command, or if there is any question about your right to receive a brigade, then receive the regiments and battalions and appoint him to the command, I will consent that you appoint all his staff officers except one confidential aide, and I will, at any cost of labor or expense to myself or the State, within ten days from the date of your acceptance of this proposition, furnish you in addition to the brigade two other regiments, as fully armed and equipped for the field as have been former regiments furnished by me. I trust you will meet this proposition in the spirit of kindness in which it is made. It is equivalent to an offer to furnish you five regiments, armed and equipped, in ten days, if you will accept them and appoint to the command of the brigade the officer who is the choice of every officer now under his command. I will address to the President a short note on this subject, and I respectfully request that you lay this letter before him and call his attention to its contents. I feel that my request is a reasonable one and that I have a right to hope, in behalf of the State, that it will be granted. If so, please telegraph me at Atlanta that it has been considered and my proposition accepted, and I will exercise the utmost diligence in complying on my part.

I have the honor to be, very respectfully, &c.

JOSEPH E. BROWN.

OFFICE OF THE MISSISSIPPI CENTRAL R. R. COMPANY,
Holly Springs, July 8, 1861.

Hon. L. P. WALKER,
Secretary of War, Confederate States of America, Richmond:

DEAR SIR: In further reply to your communication of the 2d instant, I have to remark that I have had an interview with Jones, McElwain & Co., manufacturers, of this place, in reference to manufacturing arms for the Confederate States. They are making machinery for the construction of the Belgian or Mississippi rifle, and in one week from this time will be prepared to make the lock. In thirty days they will have their machinery ready to roll the barrel. In about the same time will have the machinery ready to bore and rifle it. In sixty days they say they can commence the delivery of rifles, with bayonets and all complete, and in ninety days can turn out 100 per per day. They can procure the best of Tennessee charcoal iron for the barrel and seasoned lumber for the stock. They are willing to enter into a contract for the manufacture and delivery of from 20,000 to 50,000 rifles, with sword bayonet complete, for about $20 each. If a contract should be made for a large number it would require a large increase of force, and they would need some pecuniary aid to facilitate the delivery of the arms. They assure me they can procure seasoned material for the stocks and the best iron for the barrel. It is probable they would require an advance of about $20,000 or $25,000 to enable them to procure materials and machinery. They have sufficient motive power to drive all necessary machinery, and have now in their shops many of the tools necessary to commence and prosecute the work, and are engaged in making more. Mr. McElwain informs me he will soon have in readiness a machine of his own make for boring and rifling barrels, and can readily change old rifles to a larger caliber. Could he obtain one of the rifling machines that General Polk informed me he had procured he could greatly facilitate the general's desire to change the country rifle into one suitable for the Army. Mr. McElwain is one of the best mechanics in the South. He has few equals so far as he has had experience. He possesses industry and energy, with, I believe, sufficient ability to comply with any agreement he may make. At my solicitation he visits Richmond, that he may have a personal interview with you and thus perhaps enable you to form an opinion as to his means of complying with your wishes.

The above is a copy of a letter of same date addressed to the President of Confederate States.

Respectfully, your obedient servant,

W. GOODMAN.

P. S.—Jones, McElwain & Co. are prepared to furnish any amount of shot, shell, and cannon of all descriptions.

CIRCULAR.] QUARTERMASTER-GENERAL'S DEPT., C. S. ARMY,
Richmond, Va., July 9, 1861.

The following decisions of the Secretary of War are published for the information of all concerned:

Officers of the C. S. Army holding commissions in the volunteer service of a higher grade than those held in the Confederate Army are permitted, at their option, to receive the pay exclusively of either rank. Nine dollars per month for

every five years' service is only paid to officers of the Regular Army of the Confederate States drawing the pay of their grade in that Army.

When transportation is furnished in kind to discharged volunteer soldiers a commutation is allowed of a ration per day for the journey from the place of discharge to the place of enrollment, the commutation being the value of the ration at the place of discharge.

Volunteers discharged before the expiration of six months' service are entitled to receive $21—commutation of clothing not drawn.

A. C. MYERS,
Quartermaster-General.

[JULY 9, 1861.—For proclamation of Governor Pettus, calling for two regiments of volunteers from Mississippi, see Series I, Vol. IV, p. 388.]

[JULY 9, 1861.—For Cooper to Letcher, requesting that the militia of the counties of Greene, Orange, Madison, Culpeper, Stafford, Rappahannock, Fauquier, Prince William, Loudoun, and Fairfax, in Virginia, be called into immediate service, see Series I, Vol. LI, Part II, p. 158.]

[JULY 9 and 11, 1861.—For correspondence between Walker and Harris, in relation to requisition for two regiments for service in East Tennessee, see Series I, Vol. IV, p. 366.]

A TREATY of friendship and alliance made and concluded at the North Fork Village, on the North Fork of the Canadian River, in the Creek Nation, west of Arkansas, on the tenth day of July, A. D. one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, commissioner, with plenary powers, of the Confederate States, of the one part, and the Creek Nation of Indians, by its chiefs, headmen, and warriors in general council assembled, of the other part.

The Congress of the Confederate States of America having, by "An act for the protection of certain Indian tribes," approved the twenty-first day of May, A. D. one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the rights, privileges and immunities, titles and guaranties, with each of said nations and tribes under treaties made with them by the United States of America; and the Creek Nation of Indians having assented thereto upon certain terms and conditions:

Now, therefore, the said Confederate States, by Albert Pike, their commissioner, constituted by the President under authority of the act of Congress in their behalf, with plenary powers for these purposes, and the Creek Nation, in general council assembled, have agreed to the following articles, that is to say:

ARTICLE I. There shall be perpetual peace and friendship, and an alliance, offensive and defensive, between the Confederate States of America, and all of their States and people, and the Creek Nation of Indians, and all its towns and individuals.

ART. II. The Creek Nation of Indians acknowledges itself to be under the protection of the Confederate States of America, and of no

other power or sovereign whatever; and doth hereby stipulate and agree with them that it will not hereafter, nor shall any of its towns or individuals, contract any alliance or enter into any compact, treaty, or agreement with any individual State or with a foreign power: *Provided*, That it may make such compacts and agreements with neighboring nations and tribes of Indians for their mutual welfare and the prevention of difficulties as may not be contrary to this treaty, or inconsistent with its obligations to the Confederate States; and the said Confederate States do hereby assume and accept the said protectorate, and recognize the said Creek Nation as their ward; and by the consent of the said Creek Nation, now here freely given, the country whereof it is proprietor in fee, as the same is hereinafter defined, is annexed to the Confederate States, in the same manner and to the same extent as it was annexed to the United States of America before that Government was dissolved, with such modifications, however, of the terms of annexation, and upon such conditions as are hereinafter expressed, in addition to all the rights, privileges, immunities, titles, and guaranties with or in favor of the said nation, under treaties made with it, and under the statutes of the United States of America.

ART. III. The following shall constitute and remain the boundaries of the Creek country, viz: Beginning at the mouth of the North Fork of the Canadian River and running northerly four miles; thence running a straight line so as to meet a line drawn from the south bank of the Arkansas River, opposite the east or lower bank of Grand River, at its junction with the Arkansas, and which runs a course south 44 degrees west, one mile, to a post placed in the ground; thence along said line to the Arkansas and up the same to the Verdigris River, to where the old Territorial line crosses it; thence along said line north to a point twenty-five miles from the Arkansas River, where the old Territorial line crosses the same; thence running west with the southern line of the Cherokee country to the North Fork of the Canadian River, where the boundary of the cession to the Seminole Nation defined in the first article of the treaty between the United States of America and the Creek and Seminole Nations, of August seventh, A. D. one thousand eight hundred and fifty-six, first strikes said Cherokee line; thence down said North Fork to where the eastern boundary line of the said cession to the Seminole Nation strikes the same; thence with that line due south to the Canadian River, at the mouth of the Ok-hai-ap-po, or Pond Creek, and thence down said Canadian River to the place of beginning.

ART. IV. The Creek Nation hereby gives its full, free, and unqualified assent to those provisions of the act of Congress of the Confederate States of America entitled "An act for the protection of certain Indian tribes," approved the twenty-first day of May, A. D. one thousand eight hundred and sixty-one, whereby it was declared that all reversionary and other interest, right, title, and proprietorship of the United States in, unto, and over the Indian country in which that of said nation is included should pass to and vest in the Confederate States; and whereby the President of the Confederate States was authorized to take military possession of all said country; and whereby all the laws of the United States, with the exception hereinafter made, applicable to and in force in said country, and not inconsistent with the letter or spirit of any treaty stipulations entered into with the Creek Nation among others were re-enacted, continued in force, and declared to be in force in said country as laws and statutes of the Confederate States: *Provided*, *however*, And it is hereby agreed

between the said parties that whatever in the said laws of the United States contained is or may be contrary to or inconsistent with any article or provision of this treaty is to be of none effect henceforward, and shall, upon the ratification hereof, be deemed and taken to have been repealed and annulled as of the present date; and this assent, as thus qualified and conditioned, shall relate to and be taken to have been given upon the said day of the approval of the said act of Congress.

ART. V. The Confederate States of America do hereby guarantee to the Creek Nation, to be held by it to its own use and behoof in fee simple forever, the lands included within the boundaries defined in the preceding article of this treaty; to be held by the people of the said nation in common, as they have heretofore been held, so long as grass shall grow and water run, if the said nation shall so please, but with power of making partition thereof and disposition of parcels of the same by virtue of laws of the nation duly enacted; by which partition or sale title in fee simple absolute shall vest in parceners and purchasers, whenever it shall please the nation of its own free will and accord and without solicitation from any quarter to do so; which solicitation the Confederate States hereby solemnly agree never to use; and the title and tenure hereby guaranteed to the said nation is and shall be subject to no other conditions, reservations, or restrictions whatever than such as are hereinafter specially expressed.

ART. VI. None of the said lands hereby guaranteed to the Creek Nation shall be sold, ceded, or otherwise disposed of to any foreign nation or to any State or Government whatever; and in case any such sale, cession, or disposition should be made without the consent of the Confederate States all the said lands shall thereupon revert to the Confederate States.

ART. VII. The Confederate States hereby agree and bind themselves that in guaranteeing to the Seminole Nation of Indians the country granted, ceded, and conveyed to it by the Creek Nation by the treaty of the seventh day of August, A. D. one thousand eight hundred and fifty-six, it shall be provided, as it was in that treaty, that no part thereof shall ever be sold or otherwise disposed of by the said Seminole Nation without the consent of the Creek Nation formally and explicitly given.

ART. VIII. The Confederate States of America do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Creek Nation, and that no portion of the country hereby guaranteed to it shall ever be embraced or included within or annexed to any Territory or province; nor shall any attempt ever be made, except upon the free, voluntary, and unsolicited application of the said nation, to erect the said country, by itself or with any other, into a State, or any other Territorial or political organization, or to incorporate it into any State previously created.

ART. IX. So far as may be compatible with the Constitution of the Confederate States and with the laws made, enacted, or adopted in conformity thereto, regulating trade and intercourse with the Indian tribes, as the same are limited and modified by this treaty, the Creek Nation shall possess the otherwise unrestricted right of self-government, and full jurisdiction, judicial and otherwise, over persons and property within their limits, excepting only such white persons as are not, by birth, adoption, or otherwise, members of either the Creek or Seminole Nation; and that there may be no doubt as to the meaning of this exception, it is hereby declared that every white person who,

having married a Creek or Seminole woman, resides in the said Creek country, or who, without intermarrying, is permanently domiciled therein with the consent of the authorities of the nation, and votes at elections, is to be deemed and taken to be a member of the said nation within the true intent and meaning of this article; and that the exception contained in the laws for the punishment of offenses committed in the Indian country, to the effect that they shall not extend or apply to offenses committed by one Indian against the person or property of another Indian, shall be so extended and enlarged by virtue of this article when ratified, and without further legislation, as that none of said laws shall extend or apply to any offense committed by any Indian, or negro, or mulatto, or by any such white person, so by birth, adoption, or otherwise a member of such Creek or Seminole Nation, against the person or property of any Indian, negro, mulatto, or any such white person, when the same shall be committed within the limits of the said Creek Nation as hereinbefore defined; but all such persons shall be subject to the laws of the Creek Nation, and to prosecution and trial before its tribunals, and to punishment according to such laws, in all respects like native members of the said Creek Nation.

ART. X. All persons who are not members of either the Creek or Seminole Nation found in the Creek country, as hereinbefore limited, shall be considered as intruders, and be removed and kept out of the same, either by the civil officers of the nation under the direction of the executive or the general council, or by the agent of the Confederate States for the nation, who shall be authorized to demand, if necessary, the aid of the military for that purpose, with the following exceptions only, that is to say: Such individuals with their families as may be in the employment of the Government of the Confederate States; all persons peaceably traveling or temporarily sojourning in the country or trading therein under a license from the proper authority; and such persons as may be permitted by the Creeks or Seminoles, with the assent of the agent of the Confederate States, to reside within their respective limits without becoming members of either of said tribes.

ART. XI. The tract of two sections of land, selected by the President of the United States, under the treaty with the Creek Nation concluded on the twenty-fourth day of January, A. D. one thousand eight hundred and twenty-six, at which the Creek Agency is now maintained, and whereon the public buildings of that agency have been erected, is hereby reserved to the Confederate States in the same manner as the same was by that treaty reserved to the United States, and is not included in the guarantee of lands aforesaid, but shall be within the sole and exclusive jurisdiction of the Confederate States, except as to members of the Creek or Seminole Nation as above defined; all offenses committed by whom thereon shall be punished by the laws and courts of the said nation whenever they would be so punished if committed elsewhere in the nation: *Provided*, That whenever the agency for the said nation shall be discontinued by the Confederate States, and an agent no longer appointed, the said tract of two sections of land shall pass to and vest absolutely in the Creek Nation in the same manner as its other lands with all the buildings that may be thereupon.

ART. XII. The Confederate States shall have the right to build, establish, and maintain such forts and military posts, temporary or permanent, and to make and maintain such military and post roads

as the President may deem necessary within the Creek country; and the quantity of one mile square of land, including each fort or post, shall be reserved to the Confederate States, and within their sole and exclusive jurisdiction, so long as such fort or post is occupied; but no greater quantity of land beyond one mile square shall be used or occupied, nor any greater quantity of timber felled than of each is actually requisite; and if in the establishment of such fort, post, or roads, or of the agency, the property of any individual member of the Creek Nation, or any property of the nation itself, other than land, timber, stone, and earth, be taken, destroyed, or injured, just and adequate compensation shall be made by the Confederate States.

ART. XIII. The Confederate States or any company incorporated by them, or any one of them, shall have such right of way for railroads or telegraph lines through the Creek country; but in case of any incorporated company, it shall have such right of way only upon such terms and payment of such amount to the Creek Nation as may be agreed upon between it and the national council thereof; or, in case of disagreement, by making full compensation, not only to individual parties injured, but also to the nation for the right of way; all damage and injury done to be ascertained and determined in such manner as the President of the Confederate States shall direct. And the right of way granted by said nation for any railroad shall be perpetual, or for such shorter term as the same may be granted, in the same manner as if no reversion of their lands to the Confederate States were provided for, in case of abandonment by them or of extinction of their tribe.

ART. XIV. No person shall settle, farm, or raise stock within the limits of any post or fort, or of the agency, except such as are or may be [in] the employment of the Confederate States in some civil or military capacity, or such as, being subject to the jurisdiction and laws of the Creek Nation, are permitted by the commanding officer of the fort or post to do so thereat, or by the agent to do so upon the agency reserve.

ART. XV. The Confederate States shall protect the Creeks from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to the jurisdiction and laws of the Creek Nation; and for all injuries resulting from such invasion or aggression full indemnity is hereby guaranteed to the party or parties injured, out of the Treasury of the Confederate States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them committed by Indians.

ART. XVI. No person shall hereafter be licensed to trade with the Creeks, except by the agent, and with only the exceptions hereinafter mentioned, with the advice and consent of the National Council. Every such trader shall execute bond to the Confederate States in such form and manner as was required by the United States, or as may be required by the Bureau of Indian Affairs; and hereafter it shall be in the power of the general council of the Creek Nation to levy and collect of all licensed traders a tax not exceeding 1¼ per cent. on the first cost of all goods, wares, and merchandise hereafter brought by them into the nation for sale; which first cost shall, in all cases, be ascertained from the invoices, copies whereof are required to be furnished to the agent. Such tax shall be payable immediately upon and after the importation into the nation of each stock of goods, but shall in no case be levied twice on the same stock or part of the same: *Provided*, That no tax shall be levied for the present year upon the

stocks of goods now held by licensed traders, but only upon such as they shall hereafter receive, and upon so much of their present stock as shall remain on hand on the 1st day of January next. No appeal shall hereafter lie to any officer whatever from the decision of the agent refusing to license any applicant.

ART. XVII. Immediately upon the signing of this treaty the agent of the Confederate States shall notify each licensed trader in the Creek Nation that he is required to apply for a license under the laws of the Confederate States within thirty days after the date of such notice; and any one failing to do so shall be considered as an intruder and be immediately removed from the country. Upon each such application the agent shall decide and grant or refuse the same at his discretion, as heretofore, and his decision shall be final. Every license so granted by him shall be for the term of twelve months in addition to the unexpired portion of the year 1861; and if, at the expiration of the year 1862, a renewal of license should not be granted to any such trader he shall, nevertheless, be entitled to remain in the country such reasonable length of time as may, in the opinion of the agent, be necessary, under the protection of the laws of the Confederate States, as a person peaceably sojourning therein, for the purpose of collecting such debts as may be due him: *Provided*, That no such license shall be granted by the agent unless the party applying shall have paid the whole amount of compensation for land and timber assessed for the year 1861 by the council with the assent of the agent; and that any license hereafter granted shall be revoked on failure or refusal to pay in due time the tax that may be legally assessed in any year. When a second license is applied for by any such party, or hereafter when any new party applies for license, it shall be granted with the advice and consent of the National Council: *And provided also*, That if the general council has any well-founded objection to the present renewal of any license to any person now licensed as a trader, for which such renewal ought not, under the law, to be granted, it may present such objection to the agent, who shall refuse to renew the license in that case if he finds such objection to be well founded and sufficient; and if he do not so refuse the general council may carry the matter before the superintendent, whose decision shall be final.

ART. XVIII. All restrictions and limitations heretofore imposed or existing by treaty, law, or regulation upon the right of any member of the Creek Nation freely to sell and dispose of to any person whatever any chattel or article of personal property whatever are hereby removed and annulled, except such as the laws of the nation itself may have created.

ART. XIX. An agent of the Confederate States and an interpreter shall be continued to be appointed for the Creek Nation, both of whom shall reside at the agency; and whenever a vacancy shall occur in either of the said offices the authorities of the nation shall be consulted as to the person to be appointed to fill the same, and no one shall be appointed against whom they in good faith protest; and the agent may be removed on petition and formal charges preferred by the constituted authorities of the nation, the President being satisfied, upon full investigation, that there is sufficient cause shown for such removal.

ART. XX. The Creek Nation may, by act of its legislative authorities, receive and incorporate in itself as members of the nation, or permit to settle and reside upon the national lands, such Indians of

any other tribe as to it may seem good; and may sell such Indians portions of land, in fee or by less estate, or lease them portions thereof for years or otherwise, and receive to its own use the price of such sales or leases; and it alone shall determine who are members and citizens of the nation entitled to vote at elections, hold office, or share in annuities or in the common lands: *Provided*, That when persons of another tribe shall once have been received as members of the Creek Nation they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Creeks themselves. But no Indians other than Creeks and Seminoles not now settled in the Creek country shall be permitted to come therein to reside without the consent and permission of the legislative authority of the nation.

ART. XXI. If any citizen of the Confederate States or any other person, not being permitted to do so by the authorities of said nation or authorized by the terms of this treaty, shall attempt to settle upon any lands of the Creek Nation, he shall forfeit the protection of the Confederate States, and such punishment may be inflicted upon him, not being cruel, unusual, or excessive, as may have been previously prescribed by law of the nation.

ART. XXII. No citizen or inhabitant of the Confederate States shall pasture stock on the lands of the Creek Nation, under the penalty of $1 per head for all so pastured, to be collected by the authorities of the nation; but their citizens shall be at liberty at all times, and whether for business or pleasure, peaceably to travel the Creek country, and to drive their stock to market or otherwise through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose.

ART. XXIII. It is also further agreed that the members of the Creek Nation shall have the same right of traveling, driving stock, and halting to recruit the same in any of the Confederate States as is given citizens of the Confederate States by the preceding article.

ART. XXIV. The officers and people of the Creek and Seminole Nations, respectively, shall at all times have the right of safe conduct and free passage through the lands of each other; and the members of each nation shall have the right freely, and without seeking license or permission, to settle within the country of the other, and shall thereupon be entitled to all the rights, privileges, and immunities of members thereof, including the right of voting at elections and of being deemed qualified to hold office, and excepting only that no member of either nation shall be entitled to participate in any funds belonging to the other nation. Members of each nation shall have the right to institute and prosecute suits in the courts of the other, under such regulations as may from time to time be prescribed by their respective Legislatures.

ART. XXV. Any person duly charged with a criminal offense against the laws of either the Creek or Seminole Nation, and escaping into the jurisdiction of the other, shall be promptly surrendered upon the demand of the proper authority of the nation within whose jurisdiction the offense shall be alleged to have been committed.

ART. XXVI. The Creek Nation shall promptly apprehend and deliver up all persons accused of any crime against the laws of the Confederate States or any State thereof, who may be found within its limits, on demand of any proper officer of a State or the Confederate States.

ART. XXVII. In addition to so much and such parts of the act of Congress of the United States enacted to regulate trade and intercourse with Indian tribes and to preserve peace on the frontiers as have been re-enacted and continued in force by the Confederate States, and as are not inconsistent with the provisions of this treaty, so much of the laws of the Confederate States as provides for the punishment of crimes amounting to felony at common law or by statute against the laws, authority, or treaties of the Confederate States, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin or securities of the Confederate States or uttering counterfeit coin or securities, and so much of such laws as provides for punishing violators of the neutrality laws, and resistance to the process of the Confederate States, and all the acts of the Provisional Congress providing for the common defense and welfare, so far as the same are not locally inapplicable, shall hereafter be in force in the Creek country.

ART. XXVIII. Whenever any person who is a member of the Creek Nation shall be indicted for any offense in any court of the Confederate States or in a State court he shall be entitled as of common right to subpœna and, if necessary, compulsory process for all such witnesses in his behalf as his counsel may think necessary for his defense; and the costs of process for such witnesses, and of service thereof, and the fees and mileage of such witnesses shall be paid by the Confederate States, being afterward made, if practicable, in case of conviction, of the property of the accused. And whenever the accused is not able to employ counsel the court shall assign him one experienced counsel for his defense, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court and paid upon the certificate of the judge.

ART. XXIX. The provisions of all such acts of Congress of the Confederate States as may now be in force, or may hereafter be enacted, for the purpose of carrying into effect the provision of the Constitution in regard to the redelivery or return of fugitive slaves, or fugitives from labor and service, shall extend to and be in full force within the said Creek Nation, and shall also apply to all cases of escape of fugitive slaves from the said Creek Nation into any other Indian nation or into one of the Confederate States, the obligation upon each such nation or State to redeliver such slaves being in every case as complete as if they had escaped from another State, and the mode of procedure the same.

ART. XXX. Persons belonging to the Creek Nation shall hereafter be competent as witnesses in all cases, civil and criminal, in the courts of the Confederate States, unless rendered incompetent from some other cause than their Indian blood or descent.

ART. XXXI. The official acts of all judicial officers in the said nation shall have the same effect and be entitled to the like faith and credit everywhere as the like acts of judicial officers of the same grade and jurisdiction in any of the Confederate States; and the proceedings of the courts and tribunals of the said nation and copies of the laws and judicial and other records of the said nation shall be authenticated like similar proceedings of the courts of the Confederate States and the laws and office records of the same, and be entitled to like faith and credit.

ART. XXXII. It is hereby declared and agreed that the institution of slavery in the said nation is legal and has existed from time immemorial; that slaves are taken and deemed to be personal property;

that the title to slaves and other property having its origin in the said nation shall be determined by the laws and customs thereof; and that the slaves and other personal property of every person domiciled in said nation shall pass and be distributed at his or her death in accordance with the laws, usages, and customs of the said nation, which may be proved like foreign laws, usages, and customs, and shall everywhere be held valid and binding within the scope of their operation.

ART. XXXIII. No ex post facto law or law impairing the obligation of contracts shall ever be enacted by the legislative authority of the Creek Nation to affect any other persons than its own people; nor shall any citizen of the Confederate States or member of any other Indian nation or tribe be deprived of his property or deprived or restrained of his liberty, or fine, penalty, or forfeiture be imposed on him in the said country, except by the law of the land, nor without due process of law; nor shall any such citizen be in any way deprived of any of the rights guaranteed to all citizens by the Constitution of the Confederate States; and it shall be within the province of the agent to prevent any infringement of such rights and of this article, if it should in any case be necessary.

ART. XXXIV. That the Congress of the Confederate States shall establish and maintain post-offices at the most important places in the Creek Nation, and cause the mails to be regularly carried at reasonable intervals to and from the same, at the same rates of postage and in the same manner as in the Confederate States.

ART. XXXV. Whenever any stream, over which it may be desirable to establish ferries, forms the boundary of the Creek country, members of the Creek Nation shall have the right of ferriage from their own land to the opposite shore; and no more onerous terms shall be imposed by the State or nation opposite than such as it imposes upon its own citizens having ferries on the same stream.

ART. XXXVI. In consideration of the common interests of the Creek Nation and the Confederate States, and of the protection and rights guaranteed to the said nation by this treaty, the Creek Nation hereby agrees that it will, either by itself or in conjunction with the Seminole Nation, raise and furnish a regiment of ten companies of mounted men to serve in the armies of the Confederate States for twelve months, the company officers whereof shall be elected by the members of the company, and the field officers by a majority of the votes of the members of the regiment. The men shall be armed by the Confederate States, receive the same pay and allowances as other mounted troops in the service, and not be moved beyond the limits of the Indian country west of Arkansas without their consent.

ART. XXXVII. The Creek Nation hereby agrees and binds itself at any future time to raise and furnish, upon the requisition of the President, such number of troops for the defense of the Indian country and of the frontier of the Confederate States as he may fix, not out of fair proportion to the number of its population, to be employed for such terms of service as the President may fix; and such troops shall always receive the same pay and allowances as other troops of the same class in the service of the Confederate States.

ART. XXXVIII. It is further agreed by the said Confederate States that the said Creek Nation shall never be required or called upon to pay, in land or otherwise, any part of the expenses of the present war, or of any war waged by or against the Confederate States.

ART. XXXIX. It is further agreed that, after the restoration of peace, the Government of the Confederate States will defend the

frontiers of the Indian country, of which the Creek country is a part, and hold the forts and posts therein with native troops recruited among the several Indian nations included therein, under the command of officers of the Army of the Confederate States, in preference to other troops.

ART. XL. In order to enable the Creek and Seminole Nations to claim their rights and secure their interests without the intervention of counsel or agents, and as they were originally one and the same people and are now entitled to reside in the country of each other, they shall be jointly entitled to a Delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a member of one of the said nations, over twenty-one years of age, and laboring under no legal disability by the law of either nation; and each Delegate shall be entitled to the same rights and privileges as may be enjoyed by Delegates from any Territories of the Confederate States to the said House of Representatives. Each shall receive such pay and mileage as shall be fixed by the Congress of the Confederate States. The first election for Delegate shall be held at such time and places, and be conducted in such manner as shall be prescribed by the agent of the Confederate States, to whom returns of such election shall be made, and he shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections, the times, places, and manner of holding them and ascertaining and certifying the result shall be prescribed by law of the Confederate States.

ART. XLI. It is further ascertained and agreed between the parties to this treaty that the United States of America, of which the Confederate States of America were heretofore a part, were before the separation indebted, and still continue to be indebted, to the Creek Nation, and bound to the punctual payment to them of the following sums annually, on the first day of July of each year, that is to say:

Perpetual annuities, amounting in the aggregate to $24,500, under the fourth article of the treaty of the seventh day of August, A. D. one thousand seven hundred and ninety; the second article of the treaty of the sixteenth day of June, A. D. one thousand eight hundred and two; and the fourth article of the treaty of the twenty-fourth day of January, A. D. one thousand eight hundred and twenty-six.

Interest at the rate of 5 per cent. per annum on $200,000, which, by the sixth article of the treaty of the seventh day of August, A. D. one thousand eight hundred and forty [fifty]-six, the United States agreed to invest in some safe stock, paying not less than that rate of interest, and to pay the interest regularly and faithfully, to be applied to purposes of education among the Creeks, but which they never invested; being $10,000 per annum or more, payable perpetually.

The sum of $1,710 perpetually, the agreed cost of the wheelwright, blacksmith, and assistant blacksmith, shop and tools, and iron and steel, annually, under the eighth article of the treaty of the twenty-fourth day of January, A. D. one thousand eight hundred and twenty-six.

The sum of $8,220, payable annually, until and upon and ending upon the first day of July, A. D. one thousand eight hundred and sixty-four, being for the sums of $6,000 per annum, for education for seven years from and after the fiscal year ending thirtieth of June, A. D. one thousand eight hundred and fifty-seven, under the fourth article of the treaty of the fourth day of January, A. D. one thousand

eight hundred and forty-five, as the same is recited in the fifth article of the treaty of the seventh day of August, A. D. one thousand eight hundred and fifty-six; and of $2,220, being the estimated annual cost of the provision for two blacksmiths and assistants, shops and tools, iron and steel, under the thirteenth article of the treaty made the twenty-fourth day of March, A. D. one thousand eight hundred and thirty-two, and which was continued for seven years from and after that fiscal year by the treaty of the seventh day of August, A. D. one thousand eight hundred and fifty-six.

The sum of $4,710, which was payable during the pleasure of the President of the United States, as follows, to wit: $2,000 per annum for assistance in agricultural operations, under the eighth article of the treaty of the twenty-fourth day of January, A. D. one thousand eight hundred and twenty-six; $1,000 per annum for education, under the fifth article of the treaty of the fourteenth day of February, A. D. one thousand eight hundred and thirty-three; and $1,710 per annum, the estimated annual cost of the wagon-maker, blacksmith, and assistant, shop and tools, iron and steel, under the same fifth article of the same treaty last aforesaid; indefinite continuance of the payment of which three sums was provided for by the treaty of the seventh day of August, A. D. one thousand eight hundred and fifty-six.

And it is also hereby ascertained and agreed between the parties to this treaty that there was due to the Creek Nation on the first day of July, A. D. one thousand eight hundred and sixty-one, for and on account of these annuities, interest, and annual installments, and of arrearages thereof, the sum of $71,960, as follows, that is to say:

For the perpetual annuities then due, $24,500.

For interest and arrearages on the said sum of $200,000, provided to be invested for purposes of education by the sixth article of the treaty of the seventh day of August, A. D. one thousand eight hundred and fifty-six, which has never been invested, and the five installments of interest whereon, at the rate of 5 per cent. per annum, due up to and upon the first day of July, A. D. one thousand eight hundred and sixty-one, amount to the sum of $50,000, whereof $21,000 only has been paid, the sum of $29,000.

For the two sums aforesaid due for educational purposes, $7,000.

For sums due for wagon-makers, blacksmiths, shops, iron and steel, and agricultural purposes, $7,640, and for arrearages of same, being one-half of the annual sum due on the first day of July, A. D. one thousand eight hundred and sixty, and unpaid, $3,820, or together, $11,460. And it not being desired by the Confederate States that the Creek Nation should continue to receive these annual sums from the Government of the United States, or otherwise have any further connection or communication with that Government and its superintendents and agents, therefore the said Confederate States of America do hereby assume the payment for the future of all the above-recited annuities and annual payments, and agree and bind themselves regularly and punctually to pay the same; and do also agree and bind themselves to pay immediately upon the complete ratification of this treaty the said sum of $71,960 for such annuities and annual payments due on the first day of July, A. D. one thousand eight hundred and sixty-one, and for arrearages as above stated.

ART. XLII. It is also further agreed between the said parties to this treaty that the United States of America, while the said several Confederate States were States of the said United States, held, and do still continue to hold, in their hands, invested in bonds and stocks of

certain States, part or all of which are now members of the said Confederacy of States, the sum of $200,742.60, bearing an annual interest of $11,694.54, and also arrearages of interest on the same in money, which amounted on the first day of July, A. D. one thousand eight hundred and sixty-one, to so much as to make, with the principal, the sum of $249,937.14, in bonds, stocks, and money, in the hands of the United States, and belonging to those persons surviving, and the legal representatives of those persons deceased, who were orphan children of the Creeks on the twenty-fourth day of March, A. D. one thousand eight hundred and thirty-two, the same being the proceeds of the twenty sections of land selected under the direction of the President of the United States for such orphan children of the Creeks under and by virtue of the second article of the treaty of that date, and which were sold and the proceeds invested in such stocks as aforesaid, under the direction of the President of the United States, in conformity to the provision of that article that said twenty sections should be divided and retained or sold for the benefit of such children as the President might direct.

And it is further agreed that in addition to this sum and to the sum of $200,000, which should have been invested under the sixth article of the treaty of the seventh day of August, A. D. one thousand eight hundred and fifty-six, there has also long been and still is due and owing from the said United States to certain individuals in the Creek Nation, from claims allowed by William Armstrong as commissioner, in their favor, on account of depredations by the Osages, as provided by treaty, the sum of $9,757.50, to pay which and other like claims there has long remained in the Treasury of the United States the sum of $16,000, remainder of the sum of $30,000 allowed by treaty with the Osages, made the eleventh day of January, A. D. one thousand eight hundred and thirty-nine, for the purpose of paying what should be adjudged for such depredations; and the said Confederate States of America do hereby assume the duty and obligation of collecting and paying over as trustees to the said Creek Nation, for the said orphans and legal representatives of orphan children of the Creeks, all sums of money accruing, whether from interest or capital of the bonds of the several States of the Confederacy now held by the Government of the United States as trustee for the said orphans and legal representatives of orphan children of the Creeks or for the Creek Nation; and the said interest and capital as collected shall be paid over to the said orphans or legal representatives of orphans of the Creeks or to the Creek Nation for them. And the said Confederate States will request the several States whose bonds are so held to provide, by legislation or otherwise, that the capital and interest of such bonds shall not be paid to the Government of the United States, but to the Government of the Confederate States, in trust for the said orphans and legal representatives of orphans.

And the said Confederate States hereby guarantee to the said Creek Nation the final settlement and full payment, upon and after the restoration of peace and the establishment and recognition of their independence, as of debts in good faith and conscience, as well as in law due and owing, on good and valuable consideration, by the said Confederate States and other of the United States, jointly, before the secession of any of the States, of all the said sums of money so due and owing by the late United States and of any sums received by that Government and now held by it by way of interest on a capital of said bonds of the States; and do also guarantee to it the full and

final settlement and payment, at the same period, of the capital and interest of any and all bonds or stocks of any Northern State in which any of the Creek funds may have been invested.

ART. XLIII. It is also further agreed that whatever sums of money are by this treaty provided to be settled and paid by the Confederate States to the Creek Nation, for itself, upon the restoration of peace, not including those belonging to the said orphans, shall be paid over to the authorities of the nation, to be held by them invested in stocks, or shall be by the Government of the Confederate States so invested, in stocks bearing the best rate of interest, and at the market rate of such stocks, as the authorities of the nation may require, so that the nation may in either mode have all the advantages of the investment; and that, if paid over to the authorities of the nation, the Government of the Confederate States shall have no further control over the same in any wise nor be in any wise responsible for its proper investment or disposition.

ART. XLIV. It is further agreed between the parties that all provisions of the treaties of the Creek Nation with the United States which secure or guarantee to the Creek Nation, or individuals thereof, any rights or privileges whatever, and the place whereof is not supplied by, and which are not contrary to, the provisions of this treaty, and so far as the same are not obsolete and unnecessary, or repealed, annulled, changed, or modified by subsequent treaties or laws or by this treaty, are and shall be continued in force as if made with the Confederate States.

ART. XLV. It is hereby further agreed by the Confederate States that all the members of the Creek Nation as hereinbefore defined shall be henceforward competent to take, hold, and pass by purchase or descent, lands in any of the Confederate States heretofore or hereafter acquired by them, and to sue and implead in any of the courts of each of the States in the same manner and as fully, and under the same terms and restrictions and the same conditions only, as citizens of another of the Confederate States can do.

ART. XLVI. A general amnesty of all past offenses against the laws of the United States and of the Confederate States committed in the Indian country before the signing of this treaty by any member of the Creek Nation as such membership is defined by this treaty is hereby declared, and all such persons, if any, whether convicted or not, imprisoned or at large, charged with any such offense shall receive from the President full and free pardon and be discharged.

ART. XLVII. It is also further agreed that the sum of $750 shall be appropriated, upon the ratification of this treaty, by the Congress of the Confederate States to pay the expenses of the commissioners of the Creek Nation who have negotiated the same, and that the same shall be paid to the principal chief, Motey Kinnaird, who shall distribute the same among the commissioners as they shall agree and direct.

ART. XLVIII. This treaty shall take effect and be obligatory upon the contracting parties from the tenth day of July, A. D. one thousand eight hundred and sixty-one, whenever it shall be ratified by the general council of the Creek Nation, and by the Provisional President and Congress, or the President and Senate of the Confederate States.

In perpetual testimony whereof the said Albert Pike, as commissioner with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms, and the

undersigned, the commissioners appointed in this behalf by the general council of the Creek Nation, do hereunto set their hands and affix their seals.

Done in duplicate, at the place, and upon the day, in the year aforesaid.

[SEAL.]

ALBERT PIKE,
Commissioner of the Confederate States to the Indians West of Arkansas.

MOTEY KINNAIRD,
Principal Chief.
ICHO HACHO,
Principal Chief Upper Creeks.
CHILLY McINTOSH.
LOUIS McINTOSH.
JAMES M. C. SMITH.
G. W. STIDHAM.
THOS. C. CARR.
JOHN. L. SMITH.
TIM. BARNETT.
W. F. McINTOSH.
GEO. W. BRINTON.
OK-CHUN HACHO.
CO-AS-SAT-TI FIX-I-CO.
JOSEPH CORNELLS.
GEO. W. WALKER.
SAMUEL CHECOTE.

Signed in duplicate in our presence.

W. H. GARRETT,
C. S. Agent.
G. W. STIDHAM,
C. S. Interpreter.
W. WARREN JOHNSON.
WM. QUESENBURY,
Secretary to Commissioner.
H. S. BUCKNER.
W. L. PIKE.

Whereas, a treaty of alliance and friendship was made and concluded, subject to the ratification of the general council of the Creek Nation, on the tenth day of July, A. D. one thousand eight hundred and sixty-one, by and between Albert Pike, commissioner with plenary powers, of the Confederate States of America, on the part and behalf of the Confederate States, and Motey Kinnaird, principal chief; Icho Hacho, first chief of the Upper Creeks; Chilly McIntosh, Louis McIntosh, James M. C. Smith, George W. Stidham, Thomas C. Carr, John L. Smith, Timothy Barnett, William F. McIntosh, George W. Brinton, Ok-Chun Hacho, Co-as-sat-ti Fix-i-co, Joseph Cornells, George W. Walker, Samuel Checote, and Daniel N. McIntosh, a committee appointed by the general council of Mus-ko-ki Nation, at the North Fork Village, on the North Fork of the Canadian River, in the said Creek Nation; and whereas, by the forty-ninth [forty-eighth] article thereof it is provided in these words, that "This treaty shall take effect and be obligatory upon the contracting parties from the tenth day of July, A. D. one thousand eight hundred and sixty-one, whenever it shall be ratified by the general council of the Creek Nation, and by the Provisional President and Congress, or the President and Senate of the Confederate States:"

Now, therefore, be it known that the Creek or Mus-ko-ki Nation, in general council assembled, on this the twentieth day of July, A. D. one thousand eight hundred and sixty-one, at the council ground of the said nation, having maturely considered the said treaty, and every article and clause thereof, and being satisfied therewith, doth, upon

its part, assent to, ratify, and confirm the same as its solemn act and compact, as is therein stipulated, and doth direct that a copy of this ratification, signed by the principal chief and national clerk, be annexed to each part of the said treaty for authentication thereof.

Thus done and approved the day and year aforesaid.

A true copy of the original act of ratification as adopted by the general council.

MOTEY KINNAIRD,
Principal Chief.

Attest.

D. N. McINTOSH,
National Clerk.

Signed and attested in our presence.

W. H. GARRETT,
C. S. Agent for the Creeks.
G. W. STIDHAM,
C. S. Interpreter for the Creeks

Names of the chiefs who signed the treaty concluded on the tenth day of July, one thousand eight hundred and sixty-one, and approved by the general council of the Creek Nation on the twentieth July, one thousand eight hundred and sixty-one, between the Confederate States of America and the Creek Nation of Indians: *a*

Echur Harjo.	Thear-ke-ta.	Car-pit-char Ya-ho-la.
Cowassart Harjo.	Ya-ha Harjo.	It-chin Ya-ho-la.
Nocus Emathla.	Fixico Harjo.	Nocus Fixico.
Us-so-na Harjo.	Ok-chun Harjo.	Mikko Hutke.
In-suk-ko.	Ne-ha Ya-ho-la.	Napoche Fixico.
Tustunnuk Kee.	Tallise Fixico.	Cotchar Fixico.
Ar-chu-le Harjo.	Jimmy Larney.	James McHenry.
Oh-sa Ya-ho-la.	Halputter Mikko.	Cully Mikko.
He-ne-matheo-che.	Samuel Lasley.	Pow-has-e Marthla.
Tullisse Fixico.	Ya-ha Tustunnukke.	Ok-cus-ca Fixico.
Tallof Harjo.	Ne-ha Ya-ho-la.	Ar-hul Le-mathla.
No-cus-illy.	Co-we Harjo.	Tul-wa Mikko.
Cha-low Harjo.	Wm. Bruner.	Ar-ha-luk Fixico.
Ok-ta-ha-hassee Harjo.	Jacob Derrysaw.	Lou-cher Harjo.
Ho-siche Boatswain.	E-ne-ha.	Carpechar Fixico.

Attest.

_____ _____,
National Clerk.

ARTICLE SUPPLEMENTARY to the treaty concluded between the Confederate States of America and the Creek Nation of Indians, at the North Fork Village, in the Creek Nation, on the tenth day of July, A. D. one thousand eight hundred and sixty-one.

ARTICLE. The survivors, now residing in the Creek Nation, of the Apalachicola band of Indians have earnestly represented to the commissioner of the Confederate States the facts following, that is to say:

That the Apalachicola band of Indians, being by origin a part of the Creek Nation, long resided on the Apalachicola River, in what is now the State of Florida, and were parties to the treaty concluded at

a To the Indian names are subjoined marks.

Camp Moultrie, with the Florida tribes of Indians, on the eighteenth day of September, A. D. one thousand eight hundred and twenty-three.

That by two treaties made and concluded with the United States on the eighteenth day of June, A. D. one thousand eight hundred and twenty-three, by different portions of the said Apalachicola band, the chiefs and warriors of that band relinquished all the privileges to which they were entitled as parties to the treaty aforesaid, concluded at Camp Moultrie, and all their right and title to certain reservations by it secured to them; and in consideration of that cession the United States agreed to grant and to convey within three years, by patent to certain named chiefs for the benefit of themselves and of the sub-chiefs and warriors of the said Apalachicola band, the quantity, in all, of six sections of land, to be laid off under the direction of the President after the lands should have been surveyed.

That it was provided by the same two treaties that the said six sections of land might be disposed of by the chiefs with the consent and advice of the Governor of Florida, at any time before the expiration of said term of three years, and that the said band might thereupon migrate to a country of their choice. And it was further thereby provided that if, at any future time, the chiefs and warriors of the Apalachicola band should feel disposed to migrate from Florida to the Creek and Seminole country west, they might either sell the grants of land made by those treaties, and in that case must themselves bear the whole expense of their migration, subsistence, &c., or they might surrender to the United States all the rights and privileges acquired under said two treaties, in which case they should become parties to the obligations, provisions, and stipulations of the treaty of Payne's Landing, made with the Seminoles on the ninth day of May, A. D. one thousand eight hundred and thirty-two, as a constituent part of that tribe, and reunite with that tribe in their abode west, in which case the United States would pay $6,000 for the reservations in that case relinquished by the first article of the said two treaties.

That in the hostilities that afterward took place between the Creeks and Seminoles and the United States the said Apalachicola band remained loyal to the United States, and maintained their peace and friendship unbroken; but in the year 1837 they were induced, by the urgent solicitation of the emigrating agent of the United States, to remove from the country occupied by them in Florida to the Indian country west of Arkansas, leaving the lands so granted them as aforesaid, and a large number of horses, mules, cattle, hogs, wagons, and other articles which they could not collect together and carry with them, and which the said emigrating agent persuaded them to leave in his charge, on his promise that the owners should be paid the value of all such their property in money by the agent of the United States on their arrival in the country provided for them on the west side of the Mississippi; a schedule* of all of which property so abandoned, and of its value, and of the improvements on lands abandoned by them, and the value of each is annexed to this article and forms a part of it.

That by the treaty of Payne's Landing, made on the ninth day of May, A. D. one thousand eight hundred and thirty-two, the United States agreed to pay the Seminole Indians, in full compensation for all

* Omitted.

their claim to lands in the Territory of Florida, and for all improvements on the lands so ceded, the sum of $15,400, to be divided among the chiefs and warriors of the several towns in a ratio proportioned to their population; and they further agreed to take the cattle belonging to the Seminoles at the valuation of some person to be appointed by the President, and to pay the valuation in money to the respective owners or give them other cattle; and the expenses of removal were to be paid by the United States and subsistence for twelve months to all emigrants furnished by them;

And that no compensation has ever been made any of the said Apalachicola band for the lands or improvements so abandoned by them, or for the horses, mules, cattle, and other property abandoned by them; nor have they ever received any part of the annuities paid the Seminole or Creek Nation since their removal west, or been recognized as an integral part of the Seminole Nation, as it was provided they should be;

And inasmuch as the forced emigration of the said band, and their surrender and abandonment of their lands, improvements, horses, cattle, and other property in consequence thereof, was equivalent, as against the United States, to an election by them to surrender the rights and privileges secured by the treaties of the eighteenth of June, one thousand eight hundred and thirty-three, and to claim the rights and privileges thereby vesting in them, as parties to the treaty of Payne's Landing, of the ninth of May, one thousand eight hundred and thirty-two:

Therefore, it is hereby agreed by the Confederate States of America, by Albert Pike, its commissioner with full powers, with the members and survivors of the Apalachicola band of Florida Indians, that upon and after the restoration of peace the said claims of the members of that band to compensation for the loss of the lands, improvements, horses, cattle, mules, and other property shall be fairly investigated, in a generous and liberal spirit, by an officer or commissioners, to whom that duty shall be assigned by the Confederate States; and that whatever shall appear upon such investigation to be justly or equitably owing to members of the said band on account of such losses as aforesaid shall be paid to the persons originally entitled to the same, or to the legal representatives of such of them as may be deceased.

And it is also further agreed that the foregoing provisions of this article shall extend to and include the claims for losses of the same kind by members of Black Dirt's band of friendly Seminoles, who lost property in like manner in consequence of their hurried removal west, as the same is contained in the schedule thereof, marked B,* annexed to this article.

And it is also agreed that the claims to money, in lieu of bounty-land warrants, of the persons whose names and those of their heirs are contained in the schedule marked C,* annexed to this article, shall, in like manner and at the same period, be investigated, and so far as they shall be found to be well founded shall be paid by the Confederate States.

In perpetual testimony whereof the said Albert Pike, commissioner with full powers of the Confederate States of America, doth hereunto set his hand and affix the seal of his arms.

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* Omitted.

Thus done, signed, and sealed, at the North Fork Village, on the North Fork of the Canadian River, this tenth day of July, A. D. one thousand eight hundred and sixty-one.

[SEAL.] ALBERT PIKE,
Commissioner of the Confederate States to the Indian Nations West of Arkansas.

RATIFICATION by the Congress.

Resolved (*two-thirds of the Congress concurring*), That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of treaty, including the secret article and supplementary article, made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States of the one part and the Creek Nation of Indians, by its chiefs, headmen, and warriors, in general council assembled, of the other part, concluded at the North Fork Village, on the North Fork of the Canadian River, in the Creek Nation, on the tenth day of July, A. D. one thousand eight hundred and sixty-one, with the following amendments:

1. Strike out from Article XXVIII the following words, "or in a State court," and insert in lieu thereof the following words, "or in a State court, subject to the laws of the State."

2. Add at the end of Article XXX the following words, "and the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article in respect to suits and proceedings in their respective courts."

3. Strike out from Article XI the following words, "the same rights and privileges as may be enjoyed by Delegates from any Territories of the Confederate States in the said House of Representatives," and insert in lieu thereof the following words, "a seat in the hall of the House of Representatives, to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto, and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

NOTE.—The foregoing amendments were subsequently ratified by general council of the Creek Nation.

[JULY 10, 1861.—For Walker to Pickens, in relation to forwarding troops to Richmond, Va., see Series I, Vol. LI, Part II, p. 159.]

RICHMOND, *July 11, 1861.*

CHARLES G. WAGNER,
Montgomery, Ala.:

What number of arms are there at Montgomery? Answer at once.

L. P. WALKER.

MONTGOMERY, ALA., *July 11, 1861.*

Hon. L. P. WALKER,
Secretary of War:

None but a box containing seven rifles, left by Lieutenant Mills.

CHAS. G. WAGNER.

RICHMOND, *July 11, 1861.*

JOHN C. BOOTH,
Baton Rouge, La.:

Report at once the number of muskets and other arms you have in charge.

L. P. WALKER.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 11, 1861.

His Excellency JOSEPH E. BROWN,
Atlanta, Ga.:

SIR: Your several communications of June 28 and July 6 and 8 have been received. By the policy adopted, with the approval of the President, in carrying out the law of Congress, it was not intended to oppose the policy of the State in the matter of field officers of regiments. The purpose was to get companies rapidly into camps of instruction, and it was thought practicable to furnish instructors for camps where the highest rank was that of captain; not so if colonels were present. No right is claimed by the President to require the Governors of the States to aid in this mode of raising an army, but it was supposed a request would be followed by co-operation. If, therefore, instead of companies you prefer to tender regiments, organized by yourself, so be it, and I hope your preference will cause no delay or loss of efficiency from pursuing that plan. The appointing power is one the exercise of which is far from desirable with the President, and in this, as in other things, I doubt not he will endeavor to harmonize his views with yours as far as the laws will permit, to the end that the public service will be promoted by cordial co-operation. In my previous letter making requisition for 3,000 men I requested that you would indicate the location of the camps of instruction. When this is done a quartermaster and commissary will be appointed for each camp, and officers will be detailed to take charge of them. Without promising such persons as you may suggest for quartermasters and commissaries will be appointed, I nevertheless request that you will name such persons as in your opinion are suitable for those positions.

I have the honor to be, very respectfully, your obedient servant,
L. P. WALKER.

HEADQUARTERS,
New Orleans, July 11, 1861.

His Excellency JEFFERSON DAVIS,
President Confederate States:

SIR: I have received through the Secretary of War the requisition for 3,000 troops, to be furnished in companies and to be placed in camps of instruction. About the same time I received his request to be furnished with two additional regiments for service in our Mississippi Valley. Our Ninth Regiment will leave to-day and on the 13th for Richmond, under command of Col. Richard Taylor, and, with the battalions of Dreux, of the Zouaves, Wheat's, and Walton's artillery, make about 10,000 men. This does not include one regiment at Pensacola, or that of artillery at the forts below the city, nor that recently furnished to General Twiggs for service on our coast. Besides

these troops there are several independent companies from this State now in Virginia, and General Tochman's brigade here, which have been tendered to and received by the Secretary of War; and in addition to these, advertisements have within a day or two been inserted in our newspapers by one Colonel Miller and others, announcing that he (or they) have authority from Your Excellency to raise new regiments. I have to represent to Your Excellency that the formation of these independent companies, battalions, and regiments interferes very materially with me in complying with the Secretary's requisition. I shall have no difficulty in supplying the two regiments now asked for, but I believe it to be utterly impossible to raise and put in camp the 3,000 for instruction if volunteers have the alternative of tendering themselves to and of being received into active service by the Secretary of War. I respectfully call your early attention to this matter and hope you will give it due consideration.

I am, with great respect, your obedient servant,

THO. O. MOORE.

A TREATY of friendship and alliance, made and concluded at the North Fork Village, on the North Fork of the Canadian River, in the Creek Nation, west of Arkansas, on the twelfth day of July, A. D. one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, commissioner with plenary powers, of the Confederate States, of the one part, and the Choctaw Nation of Indians, by Robert M. Jones, Sampson Folsom, Forbis Leflore, George W. Harkins, jr., Allen Wright, Alfred Wade, Coleman Cole, James Riley, Rufus Folsom, William B. Pitchlynn, McKee King, William King, John P. Turnbull, and William Bryant, commissioners appointed by the principal chief of the said Choctaw Nation, in pursuance of an act of the Legislature thereof, and the Chickasaw Nation of Indians, by Edmund Pickens, Holmes Colbert, James Gamble, Joel Kemp, William Kemp, Winchester Colbert, Henry C. Colbert, James N. McLish, Martin W. Allen, John M. Johnson, Samuel Colbert, Archibald Alexander, Wilson Frazier, Christopher Columbus, A-sha-lah Tobbe, and John E. Anderson, commissioners elected by the Legislature of the said Chickasaw Nation, of the other part.

The Congress of the Confederate States of America having, by "An act for the protection of certain Indian tribes," approved the twenty-first day of May, A. D. one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the rights, privileges, and immunities, titles, and guarantees with each of said nations and tribes under treaties made with them by the United States of America; and the Choctaw and Chickasaw Nations of Indians having each assented thereto, upon certain terms and conditions:

Now, therefore, the said Confederate States of America, by Albert Pike, their commissioner, constituted by the President, under authority of the act of Congress in their behalf, with plenary powers for these purposes, and the Choctaw and Chickasaw Nations, by their respective commissioners aforenamed, have agreed to the following articles, that is to say:

ARTICLE I. There shall be perpetual peace and friendship and an alliance, offensive and defensive, between the Confederate States of America and all of their States and people and the Choctaw and Chickasaw Nations and all the people thereof.

ART. II. The Choctaw and Chickasaw Nations of Indians acknowledge themselves to be under the protection of the Confederate States of America, and of no other power or sovereign whatever; and do

hereby stipulate and agree with them that they will not hereafter, nor shall any one of their people, contract any alliance, or enter into any compact, treaty, or agreement with any individual State or with a foreign power; and the said Confederate States do hereby assume and accept the said protectorate, and recognize the said Choctaw and Chickasaw Nations as their wards; and by the consent of the said Choctaw and Chickasaw Nations, now here freely given, the country whereof they are proprietors in fee, as the same is hereinafter described, is annexed to the Confederate States in the same manner and to the same extent as it was annexed to the United States of America before that Government was dissolved, with such modifications, however, of the terms of annexation, and upon such conditions as are hereinafter expressed, in addition to all the rights, privileges, immunities, titles, and guarantees with or in favor of the said nations, under treaties made with them, and under the statutes of the United States of America.

ART. III. The Confederate States of America having accepted the said protectorate, hereby solemnly promise the said Choctaw and Chickasaw Nations never to desert or abandon them, and that under no circumstances will they permit the Northern States or any other enemy to overcome them and sever the Choctaws and Chickasaws from the Confederacy; but that they will, at any cost and all hazards, protect and defend them and maintain unbroken the ties created by identity of interests and institutions, and strengthened and made perpetual by this treaty.

ART. IV. The following shall constitute and remain the boundaries of the Choctaw and Chickasaw country, that is to say: Beginning at a point on the Arkansas River 100 paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses that river, and running thence to Red River by the line between the State of Arkansas and the Choctaw and Chickasaw country, as the same was resurveyed and marked under the authority of the United States, A. D. one thousand eight hundred and fifty-five; thence up Red River to the point where the meridian of 100 degrees west longitude crosses the same; thence north along said meridian to the main Canadian River; thence down said river to its junction with the Arkansas River; thence down said river to the place of beginning. The boundaries of the said country, on the north and on the south, between the said east and west lines being the same in all respects, with all riparian and other rights and privileges, as they were fixed, created, and continued by the treaties of the eighteenth day of October, A. D. one thousand eight hundred and twenty, and of the twenty-seventh day of September, A. D. one thousand eight hundred and thirty.

ART. V. It is hereby agreed by and between the Choctaw and Chickasaw Nations that the boundaries of the Chickasaw country shall hereafter continue to be as follows, that is to say: Beginning on the north bank of Red River, at the mouth of Island Bayou, where it empties into Red River, about twenty-six miles on a straight line, below the mouth of False Washita; thence running a northwesterly course along the main channel of said bayou to the junction of the three prongs of said bayou nearest the dividing ridge between the Washita and Low Blue Rivers, as laid down on Capt. R. L. Hunter's map; thence northerly along the eastern prong of Island Bayou to its source; thence due north to the Canadian River; thence west along the main Canadian to the ninety-eighth degree of west longitude;

thence south to Red River, and thence down Red River to the beginning: *Provided, however*, If the line running due north from the eastern source of Island Bayou to the main Canadian shall not include Allen's or Wa-pa-nacka Academy within the Chickasaw district, then an offset shall be made from same line so as to leave said academy two miles within the Chickasaw district, north, west, and south from the lines of boundary.

ART. VI. The remainder of the country held in common by the Choctaws and Chickasaws, including the leased district, shall constitute the Choctaw district, and their officers and people shall at all times have the right of safe conduct and free passage through the Chickasaw district.

ART. VII. The Choctaw and Chickasaw Nations hereby give their full, free, and unqualified assent to those provisions of the act of Congress of the Confederate States of America entitled "An act for the protection of certain Indian tribes," approved the twenty-first day of May, A. D. one thousand eight hundred and sixty-one, whereby it was declared that all reversionary and other interest, right, title, and proprietorship of the United States in, unto, and over the Indian country in which that of the said nations is included, should pass to and vest in the Confederate States; and whereby the President of the Confederate States was authorized to take military possession and occupation of all said country; and whereby all the laws of the United States, with the exception thereinafter made, applicable to and in force in said country, and not inconsistent with the letter or spirit of any treaty stipulations entered into with the Choctaw and Chickasaw Nations, among others were re-enacted, continued in force, and declared to be in force in said country, as laws and statutes of the said Confederate States: *Provided, however*, And it is hereby agreed between the said parties that whatever in the said laws of the United States contained is or may be contrary to or inconsistent with any article or provision of this treaty is to be of none effect henceforward, and shall, upon the ratification hereof, be deemed and taken to have been repealed and annulled as of the present date, and this assent, as thus qualified and conditioned, shall relate to and be taken to have been given upon the said day of the approval of the said act of Congress.

ART. VIII. The Confederate States of America do hereby solemnly guarantee to the Choctaw and Chickasaw Nations, to be held by them to their own use and behoof in fee simple forever, the lands included within the boundaries defined in Article IV of this treaty; to be held by the people of both the said nations in common, as they have heretofore been held, so long as grass shall grow and water run, if the said nations shall so please, but with power to survey the same, and divide it into sections and other legal subdivisions when it shall be so voted by a majority of the legal voters of each nation, respectively; and of making partition thereof and disposition of parcels of the same by virtue of the laws of both said nations, duly enacted; by which partition or sale title in fee simple absolute shall vest in parceners and purchasers whenever it shall please both nations of their own free will and accord and without solicitation from any quarter to do so; which solicitation the Confederate States hereby solemnly agree never to use; and the title and tenure hereby guaranteed to the said nations is and shall be subject to no other conditions, reservations, or restrictions whatever than such as are hereinafter specially expressed.

ART. IX. None of the lands hereby guaranteed to the Choctaw and Chickasaw Nations shall be sold, ceded, or otherwise disposed of to

any foreign nation or to any State or government whatever; and in case any such sale, cession, or disposition should be made without the consent of the Confederate States, all the said lands shall thereupon revert to the Confederate States.

ART. X. The Confederate States of America do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Choctaw and Chickasaw Nations, and that no portion of the country guaranteed to them shall ever be embraced or included within or annexed to any territory or province; nor shall any attempt ever be made, except upon the free, voluntary, and unsolicited application of both said nations, to erect their said country, by itself or with any other, into a State or any other territorial or political organization, or to incorporate it into any State previously created.

ART. XI. The lease made to the United States by the treaty of the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by the Choctaw and Chickasaw Nations of all that portion of their common territory which lies west of the ninety-eighth parallel of west longitude is hereby renewed to the Confederate States, but for the term of ninety-nine years only from the date of this treaty; and it is agreed that the Confederate States may settle and maintain therein, upon reserves with definite limits, but of sufficient extent, all the bands of the Wichitas or Fa-wai-hash, Huecos, Caddos, Fahua-cu-ros, Ana-dagh-cos, Kichais, Ton-ca-wes, Ionais, Comanches, Delawares, Kickapoos, and Shawnees, and any other bands whose permanent ranges are south of the Canadian, or between it and the Arkansas, and which are now therein or that they may desire hereafter to place therein, but not including any of the Indians in New Mexico nor any other bands than those included in the above specification and description, without the consent of both the Choctaw and Chickasaw Nations: *Provided*, And it is hereby further agreed that whenever the said Choctaw and Chickasaw Nations become a State the reserves so apportioned to the said several bands shall belong to them in fee, not exceeding, however, for each band the same quantity of good land as would belong, upon a partition of the lands of the two nations, to an equal number of Choctaws and Chickasaws in the whole country; and when the said bands consent to a partition among themselves each individual shall have and receive in fee within the said leased country as large a quantity of good land as shall or would be apportioned to each Choctaw or Chickasaw in partition of all the national lands, with the right, however, now and in all future time, to the said several bands so settled or to be settled in said leased district to hunt upon all the vacant and unoccupied parts of the same without let or molestation.

ART. XII. It is hereby further agreed between the parties to this treaty that the Indians so settled upon reserves in the country so leased shall be, until they are capable of self-government, or until they shall be, with their own consent, incorporated among the Choctaws and Chickasaws, subject to the laws of the Confederate States and to their exclusive control, under such rules and regulations, not inconsistent with the rights and interests of the Choctaws and Chickasaws, or with the Constitution and laws of the Confederate States, as may from time to time be prescribed by the President for their government: *Provided, however*, That the country so leased shall continue open to settlement by the Choctaws or Chickasaws as heretofore; and all

members of each nation settled therein shall be subject to the jurisdiction and laws of the Choctaw Nation, except as hereinafter provided; for which purpose the said leased district may be a district of that nation; but no interference with or trespass upon the settlements or improvements of the reserve Indians shall be permitted under any pretext whatever; nor shall any of the laws of either the Choctaw or Chickasaw Nations be in force in said leased country, except so far as those of the Choctaw Nation can, without infraction of this treaty, apply to the members of either nation residing in the district in question.

ART. XIII. All navigable streams of the Confederate States and of the Indian country shall be free to the people of the Choctaw and Chickasaw Nations, who shall pay no higher toll or tonnage duty or other duty than the citizens of the Confederate States; and the citizens of those nations living upon Red River shall have, possess, and enjoy upon that river the same ferry privileges, to the same extent, in all respects, as citizens of the Confederate States on the opposite side thereof, subject to no other or a different tax or charge than they.

ART. XIV. So far as may be compatible with the Constitution of the Confederate States and with the laws made, enacted, or adopted in conformity thereto regulating trade and intercourse with the Indian tribes, as the same are limited and modified by this treaty, the Choctaw and Chickasaw Nations shall possess the otherwise unrestricted right of self-government and full jurisdiction, judicial and otherwise, over persons and property within their respective limits, excepting only such white persons as are not, by birth, adoption, or otherwise, members of either the Choctaw or Chickasaw Nation; and that there may be no doubt as to the meaning of this exception it is hereby declared that every white person who, having married a Choctaw or Chickasaw woman, resides in the said Choctaw or Chickasaw country, or who, without intermarrying, is permanently domiciled therein with the consent of the authorities of the nation, and votes at elections, is to be deemed and taken to be a member of the said nation within the true intent and meaning of this article; and that the exception contained in the laws for the punishment of offenses committed in the Indian country, to the effect that they shall not extend or apply to offenses committed by one Indian against the person or property of another Indian, shall be so extended and enlarged by virtue of this article when ratified, and without further legislation, as that none of said laws shall extend and apply to any offense committed by any Indian, or negro, or mulatto, or by any white person so by birth, adoption, or otherwise a member of such Choctaw or Chickasaw Nation against the person or property of any Indian, negro, mulatto, or any such white person, when the same shall be committed within the limits of the said Choctaw or Chickasaw Nation as hereinbefore defined; but all such persons shall be subject to the laws of the Choctaw and Chickasaw Nations, respectively, and to prosecution and trial before their tribunals, and to punishment according to such laws, in all respects like native members of the said nations, respectively.

ART. XV. All persons not members of the Choctaw or Chickasaw Nation who may be found in the Choctaw and Chickasaw country as hereinbefore limited shall be considered as intruders, and be removed and kept out of the same, either by the civil officers of the nation, under the direction of the Executive or Legislature, or by the agent of the Confederate States for the nation, who shall be authorized to

demand, if necessary, the aid of the military for that purpose, with the following exceptions only, that is to say: Such individuals, with their families, as may be in the employment of the Government of the Confederate States; all persons peaceably traveling or temporarily sojourning in the country, or trading therein under license from the proper authority; and such persons as may be permitted by the Choctaws or Chickasaws, with the assent of the agent of the Confederate States, to reside within their respective limits without becoming members of either of said nations.

ART. XVI. A tract of two sections of land in each of said nations, to be selected by the President of the Confederate States, at such points as he may deem most proper, including, if he pleases, the present site of the agency in each nation, is hereby ceded to the Confederate States; and when selected shall be within their sole and exclusive jurisdiction: *Provided*, That whenever the agency for either nation shall be discontinued the tract so selected therein shall revert to the said Choctaw and Chickasaw Nations, with all the buildings that may then be thereon: *And provided also*, That the President may at any time, in his discretion, select in lieu of either said reserves any unoccupied tract of land in the same nation, and in any other part thereof, not greater in extent than two sections, as a site for the agency for such nation, which shall in such case constitute the reserve, and that first selected shall thereupon revert to the Choctaw and Chickasaw Nations.

ART. XVII. The Confederate States shall have the right to build, establish, and maintain such forts and military posts, temporary or permanent, and such military and post roads as the President may deem necessary within the Choctaw and Chickasaw country; and the quantity of one mile square of land, including each fort or post, shall be reserved to the Confederate States, and within their sole and exclusive jurisdiction, so long as such fort or post is occupied; but no greater quantity of land beyond one mile square shall be used or occupied, nor any greater quantity of timber felled than of each is actually requisite; and if, in the establishment of such fort, post, or road, or of the agency, the property of any individual member of the Choctaw or Chickasaw Nation, or any property of either nation, other than land, timber, stone, and earth, be taken, destroyed, or injured, just and adequate compensation shall be made by the Confederate States.

ART. XVIII. The Confederate States, or any company incorporated by them, or any one of them, shall have the right of way for railroads or telegraph lines through the Choctaw and Chickasaw country; but in the case of any incorporated company, it shall have such right of way only upon such terms and payment of such amount to the Choctaw and Chickasaw Nations as may be agreed on between it and the National Councils thereof; or, in case of disagreement, by making full compensation not only to individual parties injured, but also to the nation for the right of way; all damage and injury done to be ascertained and determined in such manner as the President of the Confederate States shall direct. And the right of way granted by said nations for any railroad shall be perpetual, or for such shorter term as the same may be granted, in the same manner as if no reversion of their lands to the Confederate States were provided for in case of abandonment by them or extinction of their nation.

ART. XIX. No person shall settle, farm, or raise stock within the limits of any post or fort, or of either agency, except such as are or

may be in the employment of the Confederate States in some civil or military capacity; or such as, being subject to the jurisdiction and laws of the Choctaw or Chickasaw Nation, are permitted by the commanding officer of the fort or post to do so thereat, or by the agent to do so upon the agency reserve.

ART. XX. An agent of the Confederate States for the Choctaw and Chickasaw Nations and an interpreter for each shall continue to be appointed. The interpreters shall reside at their respective agencies, and the agent at one of them, or alternately at each. And whenever a vacancy shall occur in either of the said offices the authorities of the nation shall be consulted as to the person to be appointed to fill the same, and no one shall be appointed against whom they protest; and the agent may be removed on petition and formal charges preferred by the constituted authorities of the nation, the President being satisfied, upon full investigation, that there is sufficient cause for such removal.

ART. XXI. The Confederate States shall protect the Choctaws and Chickasaws from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to the jurisdiction and laws of the Choctaw or Chickasaw Nation; and for all injuries resulting from such invasion or aggression full indemnity is hereby guaranteed to the party or parties injuried, out of the Treasury of the Confederate States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them committed by Indians.

ART. XXII. It is further agreed between the parties that the agent of the Confederate States upon the application of the authorities of the Choctaw and Chickasaw Nations will not only resort to every proper legal remedy, at the expense of the Confederate States, to prevent intrusion upon the lands of the Choctaws and Chickasaws, and to remove dangerous or improper persons, but he shall call upon the military power, if necessary; and to that end all commanders of military posts in the said country shall be required and directed to afford him, upon his requisition, whatever aid may be necessary to effect the purposes of this article.

ART. XXIII. If any property of any Choctaws or Chickasaws be taken by citizens of the Confederate States by stealth or force, the agent, on complaint made to him in due form, by affidavit, shall use all proper legal means and remedies, in any State where the offender may be found, to regain the property or compel a just remuneration, and on failure to procure redress payment shall be made for the loss sustained, by the Confederate States, upon the report of the agent, who shall have power to take testimony and examine witnesses in regard to the wrong done and the extent of the injury.

ART. XXIV. No person shall be licensed to trade with the Choctaws and Chickasaws except by the agent, and with the advice and consent of the National Council. Every such trader shall execute bond to the Confederate States in such form and manner as was required by the United States, or as may be required by the Bureau of Indian Affairs. The authorities of the Choctaw and Chickasaw Nations may, by a general law, duly enacted, levy and collect on all licensed traders in the nation a tax of not more than one-half of one per cent. on all goods, wares, and merchandise brought by them into the Choctaw and Chickasaw country for sale, to be collected whenever such goods, wares, and merchandise are introduced, and estimated upon the first cost of the same at the place of purchase, as the

same shall be shown by the copies of the invoices filed with the agent: *Provided*, That no higher tax shall be levied and collected than is actually levied and collected in the same year of native traders in the nation; nor shall one be taxed at all unless the others are. No appeal shall hereafter lie from the decision of the agent or council refusing a license to the Commissioner of Indian Affairs or elsewhere, except only to the superintendent, in case of refusal by the agent. And no license shall be required to authorize any member of the Choctaw or Chickasaw Nation, who is by birth and blood an Indian, to trade in the Choctaw and Chickasaw country; nor to authorize any person to sell flour, meat, fruits, and other provisions, or stock, wagons, agricultural implements, or arms brought from any of the Confederate States into the country; nor shall any tax be levied upon such articles or the proceeds of sale thereof. And all other goods, wares, and merchandise exposed to sale by a person not qualified, without a license, shall be forfeited and be delivered and given to the authorities of the nation, as also shall all wines and liquors illegally introduced.

ART. XXV. All restrictions contained in any treaty made with the United States, or created by any law or regulation of the United States, upon the unlimited right of any member of the Choctaw or Chickasaw Nation to sell and dispose of, to any person whatever, any chattel or other article of personal property are hereby removed, and no such restrictions shall hereafter be imposed except by their own legislation.

ART. XXVI. It is hereby further agreed by the Confederate States that all the members of the Choctaw and Chickasaw Nations as hereinbefore defined shall be henceforward competent to take, hold, and pass, by purchase or descent, lands in any of the Confederate States heretofore or hereafter acquired by them.

ART. XXVII. In order to enable the Choctaw and Chickasaw Nations to claim their rights and secure their interests without intervention of agents or counsel, and as they are now entitled to reside in the country of each other, they shall be jointly entitled to a Delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years and be a member, by birth or blood, on either the father's or mother's side, of one of said nations, over twenty-one years of age, and laboring under no legal disability by the laws of either nation; and such Delegate shall be entitled to the same rights and privileges as may be enjoyed by Delegate from any Territory of the Confederate States. The first election for Delegate shall be held at such time and places and be conducted in such manner as shall be prescribed by the agent ot the Confederate States, to whom returns of such election shall be made; and he shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections the times, places, and manner of holding them, ascertaining and certifying the result, shall be prescribed by law of the Confederate States. The Delegates shall be elected alternately from each nation, the first being a Choctaw, by blood, on either the father's or mother's side, and resident in the Choctaw country, and the second a Chickasaw, by blood, on either the father's or mother's side, and resident in the Chickasaw country, and so on alternately. At the respective elections such persons only as fulfill the foregoing requisites shall be eligible, and when one is elected to fill a vacancy and serve out an unexpired term he must

belong to and be a resident in the same nation as the person whose vacancy he fills.

ART. XXVIII. In consideration of the uniform loyalty and good faith and the tried friendship for the people of the Confederate States of the Choctaw and Chickasaw people, and of their fitness and capacity for self-government, proven by the establishment and successful maintenance by each of a regularly organized republican government, with all the forms and safeguards to which the people of the Confederate States are accustomed, it is hereby agreed by the Confederate States that whenever and so soon as the people of each of said nations shall, by ordinance of a convention of delegates, duly elected by majorities of the legal voters, at an election regularly held after due and ample notice, in pursuance of an act of the Legislature of each, respectively, declare its desire to become a State of the Confederacy, the whole Choctaw and Chickasaw country as above defined shall be received and admitted into the Confederacy as one of the Confederate States, on equal terms in all respects with the original States, without regard to population; and all the members of the Choctaw and Chickasaw Nations shall thereby become citizens of the Confederate States, not including, however, among such members the individuals of the bands settled in the leased district aforesaid: *Provided*, That as a condition precedent to such admission the said nations shall provide for the survey of their lands, the holding in severalty of parts thereof by their people, the dedication of at least one section in every thirty-six to purposes of education, and the sale of such portions as are not reserved for these or other special purposes to citizens of the Confederate States alone, on such terms as the said nation shall see fit to fix, not intended or calculated to prevent the sale thereof.

ART. XXIX. The proceeds of such sales shall belong entirely to members of the Choctaw and Chickasaw Nations, and be distributed among them or invested for them in proportion to the whole population of each in such manner as the Legislatures of said nations shall provide; nor shall any other persons ever have any interest in the annuities or funds of either the Choctaw or Chickasaw people, nor any power to legislate in regard thereto.

ART. XXX. Whenever the desire of the Creek and Seminole people and the Cherokees to become a part of the said State shall be expressed, in the same manner and with the same formalities as is above provided for in the case of the Choctaw and Chickasaw people, the country of the Creeks and Seminoles and that of the Cherokees, respectively, or either by itself, may be annexed to and become an integral part of said State upon the same conditions and terms and with the same rights to the people of each in regard to citizenship and the proceeds of their lands.

ART. XXXI. The Choctaw and Chickasaw Nations may, by joint act of their legislative authorities, receive and incorporate in either nation as members thereof, or permit to settle and reside upon the national lands, such Indians of any other nation or tribe as to them may seem good; and each nation alone shall determine who are members and citizens of the nation entitled to vote at elections and share in annuities: *Provided*, That when persons of another nation or tribe shall once have been received as members of either nation they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Choctaws or Chickasaws themselves. But no Indians, other than Choctaws and Chickasaws, not settled in the Choctaw and Chickasaw country shall be

permitted to come therein to reside without the consent and permission of the legislative authority of each nation.

ART. XXXII. If any citizen of the Confederate States or any other person, not being permitted to do so by the authorities of either of said nations or authorized by the terms of this treaty, shall attempt to settle upon any lands of said nation, he shall forfeit the protection of the Confederate States, and such punishment may be inflicted upon him, not being cruel, unusual, or excessive, as may have been previously prescribed by the law of said nation.

ART. XXXIII. No citizen or inhabitant of the Confederate States shall pasture stock on the lands of the Choctaw or Chickasaw Nation; but their citizens shall be at liberty at all times, and whether for business or pleasure, peaceably to travel the Choctaw and Chickasaw country, to drive their stock through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose and for no other; and members of the Choctaw and Chickasaw Nations shall have the same rights and privileges under the same and no other restrictions and limitations in each of the Confederate States.

ART. XXXIV. If any person hired or employed by the agent, or by any other person whatever, within the agency reserve, or any post or fort, shall violate the laws of the nation in such manner as to become an unfit person to continue in the Choctaw or Chickasaw country, he or she shall be removed by the superintendent upon the application of the Executive of the nation in which such person is, the superintendent being satisfied of the truth and sufficiency of the charges preferred.

ART. XXXV. The officers and people of the Choctaw and Chickasaw Nations, respectively, shall at all times have the right of safe conduct and free passage through the lands of each other; and the members of each nation shall have the right freely, and without seeking license or permission, to settle within the country of the other, and shall thereupon be entitled to all the rights, privileges, and immunities of members thereof, including the right of voting at all elections and of being deemed qualified to hold all offices whatever, except that no Choctaw shall be eligible in the Chickasaw Nation to the office of Chief Executive or to the Legislature: *And provided also*, That no member of either nation shall be entitled to participate in any funds belonging to the other. Members of each nation shall have the right to institute and prosecute suits in the courts of the other, under such regulations as may from time to time be prescribed by their respective Legislatures.

ART. XXXVI. Any person duly charged with a criminal offense against the laws of either the Choctaw or Chickasaw Nation, and escaping into the jurisdiction of the other, shall be promptly surrendered upon the demand of the proper authority of the nation within whose jurisdiction the offense shall be alleged to have been committed.

ART. XXXVII. The Choctaw and Chickasaw Nations shall promptly deliver up all persons accused of any crime against the laws of the Confederate States, or any State thereof, who may be found within their limits, on the demand or requisition of the Executive of a State, or the Executive or other proper officer of the Confederate States; and each of the Confederate States shall, on the like demand or requisition of the Executive of the Choctaw and Chickasaw Nation, promptly deliver up all persons accused of any crime against the laws of such nation who may be found within their limits.

ART. XXXVIII. In order to secure the due enforcement of so much of the laws of the Confederate States in regard to criminal offenses

and misdemeanors as is or may be in force in the said Choctaw and Chickasaw country, and to prevent the Choctaws and Chickasaws from being further harassed by judicial proceedings had in foreign courts and before juries not of the vicinage, the said country is hereby erected into and constituted a judicial district of the Confederate States to be called the Tush-ca-hom-ma district, for the special purposes and jurisdiction hereinafter provided; and there shall be created and semi-annually held, within such district, at Boggy Depot, a district court of the Confederate States, with the powers of a circuit court so far as the same shall be necessary to carry out the provisions of this treaty, and with jurisdiction coextensive with the limits of such district in such matters, civil and criminal, to such extent and between such parties as may be prescribed by law and in conformity to the terms of this treaty.

ART. XXXIX. In addition to so much and such parts of the acts of Congress of the United States enacted to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers, as have been re-enacted and continued in force by the Confederate States, and as are not inconsistent with the provisions of this treaty, so much of the laws of the Confederate States as provides for the punishment of crimes amounting to felony at common law or by statute against the laws, authority, or treaties of the Confederate States, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or the securities of the Confederate States, and so much of said laws as provides for punishing violators of the neutrality laws, and resistance to the process of the Confederate States, and all the acts of the Provisional Congress providing for the common defense and welfare, so far as the same are not locally inapplicable, shall hereafter be in force in the Choctaw and Chickasaw country; and the said district court shall have exclusive jurisdiction to try, condemn, and punish offenders against any such laws, to adjudge and pronounce sentence, and cause execution thereof to be done in the same manner as is done in any other district courts of the Confederate States.

ART. XL. The said district court of the Confederate States of America for the district of Tush-ca-hom-ma shall also have the same admiralty jurisdiction as other district courts of the Confederate States; and jurisdiction in all civil suits for fines, penalties, and forfeitures of the Confederate States against any person or persons whatever residing or found within the district; and in all civil suits at law or in equity, when the matter in controversy is of greater value than $500, between a citizen or citizens of any State or States of the Confederate States, or any Territory of the same, or an alien or aliens and a citizen or citizens of the said district, or person or persons, residing therein; and the Confederate States will, by suitable enactments, provide for the appointment of a judge and other proper officers of the said court, and make all necessary enactments and regulations for the complete establishment and organization of the same and to give full effect to its proceedings and jurisdiction.

ART. XLI. The trial of all offenses, amounting to felony at common law or by statute, committed by an Indian of any one of the tribes or bands settled in the leased district aforesaid against the person or property of a member of the Choctaw or Chickasaw Nation, or by one of the latter against the person or property of one of the former, shall be had in the district court of the Confederate States

hereby provided for; and until such court is established, in the district court of the Confederate States for the district, or for the western district of Arkansas.

ART. XLII. The district court shall have no jurisdiction to try and punish any person for any offense committed prior to the day of the signing of this treaty; nor shall any action in law or equity be maintained therein except by the Confederate States or one of them, where the cause of action shall have accrued more than three years before the same day of the signing hereof, or before the bringing of the suit.

ART. XLIII. All persons who are members of the Choctaw or Chickasaw Nation, and are not otherwise disqualified or disabled, shall hereafter be competent witnesses in all civil and criminal suits and proceedings in any court in the Confederate States, or any one of the States, any law to the contrary notwithstanding.

ART. XLIV. Whenever any person, who is a member of the Choctaw or Chickasaw Nation, shall be indicted for any offense in any court of the Confederate States, including the district court of the Tush-ca-hom-ma district, or in a State court, he shall be entitled, as of common right, to subpœna and, if necessary, compulsory process for all such witnesses in his behalf as his counsel may think material for his defense; and the costs of process for such witnesses, and of service thereof, and the fees and mileage of such witnesses, shall be paid by the Confederate States, being afterward made, if practicable, in case of conviction, out of the property of the accused. And whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defense, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court and paid upon the certificate of the judge.

ART. XLV. The provisions of all such acts of Congress of the Confederate States as may now be in force or as may hereafter be enacted, for the purpose of carrying into effect the provision of the Constitution in regard to the redelivery or return of fugitive slaves or fugitives from labor and service, shall extend to and be in full force within the said Choctaw and Chickasaw Nations; and shall also apply to all cases of escape of fugitive slaves from the Choctaw and Chickasaw Nations into any other Indian nation, or into one of the Confederate States, the obligation upon each such nation or State to redeliver such slaves being in every case as complete as if they had escaped from another State, and the mode of procedure the same.

ART. XLVI. The official acts of all judicial officers in the said nations shall have the same effect and be entitled to like faith and credit everywhere, as like acts of judicial officers of the same grade and jurisdiction in any one of the Confederate States; and the proceedings of the courts and tribunals of the said nations, and the copies of the laws and judicial and other records of the said nations, shall be authenticated like similar proceedings of the courts of the Confederate States, and the laws and office records of the same, and be entitled to the like faith and credit.

ART. XLVII. It is hereby declared and agreed that the institution of slavery in the said nations is legal, and has existed from time immemorial; that slaves are taken and deemed to be personal property; that the title to slaves and other property having its origin in the said nations shall be determined by the laws and customs thereof; and that the slaves and other personal property of every person domiciled in said nations shall pass and be distributed at his or her death in accordance with the laws, usages, and customs of the said

nations, which may be proved like foreign laws, usages, and customs, and shall everywhere be held valid and binding within the scope of their operation.

ART. XLVIII. It is further agreed that the Congress of the Confederate States shall establish and maintain post-offices at the most important places in the Choctaw and Chickasaw Nations, and cause the mails to be regularly carried, at reasonable intervals, to and from the same, at the same rate of postage, and in the same manner as in the Confederate States.

ART. XLIX. In consideration of the common interests of the Choctaw and Chickasaw Nations and the Confederate States, and of the protection and rights guaranteed to the said nations by this treaty, the said nations hereby agree that they will raise and furnish a regiment of ten companies of mounted men to serve in the armies of the Confederate States for twelve months. The company officers of the regiment shall be elected by the members of each company respectively; the colonel shall be appointed by the President and the lieutenant-colonel and major be elected by the members of the regiment. The men shall be armed by the Confederate States, receive the same pay and allowances as other mounted troops in the service, and not be marched beyond the limits of the Indian country west of Arkansas against their consent.

ART. L. It is further agreed by the Confederate States that neither the Choctaw nor Chickasaw Nation shall ever be called on or required to pay, in land or otherwise, any part of the expenses of the present war, or of any war waged by or against the Confederate States.

ART. LI. The Choctaw and Chickasaw Nations hereby agree and bind themselves at any future time to raise and furnish, upon the requisition of the President, such number of troops for the defense of the Indian country and of the frontier of the Confederate States as he may fix, not out of fair proportion to the number of their inhabitants, to be employed for such terms of service as the President may fix; and such troops shall always receive the same pay and allowances as other troops of the same class in the service of the Confederate States.

ART. LII. It is further agreed that after the restoration of peace the Government of the Confederate States will defend the frontiers of the Indian country of which the Choctaw and Chickasaw country is a part, and hold the forts and posts therein with native troops, recruited among the several Indian nations included, under the command of officers of the Army of the Confederate States, in preference to other troops.

ART. LIII. It is hereby ascertained and agreed by and between the Confederate States and the Choctaw Nation that the United States of America, of which the Confederate States were heretofore a part, were, before the separation, indebted, and still continue to be indebted, to the Choctaw Nation, and bound to the punctual payment thereof, in the following sums annually, on the first day of July of each year; that is to say:

Perpetual annuities amounting to $9,000, under the second article of the treaty of the sixteenth day of November, A. D. one thousand eight hundred and five, and the second article of the treaty of the twentieth day of January, A. D. one thousand eight hundred and twenty-five.

The sum of $600 per annum for the support of light horsemen, under the thirteenth article of the treaty of the eighteenth day of October, A. D. one thousand eight hundred and twenty.

The sum of $600 per annum, in lieu of the permanent provision for the support of a blacksmith, and the sum of $320, in lieu of permanent provision for iron and steel, under the sixth article of the said treaty of the eighteenth day of October, A. D. one thousand eight hundred and twenty, and the ninth article of the said treaty of the twentieth day of January, A. D. one thousand eight hundred and twenty-five.

The annual interest on the sum of $500,000, held in trust for the Choctaw Nation by the United States, under the thirteenth article of the treaty of the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, which by that article was to be held in trust for the said nation and to constitute part of a general Choctaw fund, yielding an annual interest of not less than 5 per cent. per annum; and no part thereof has been invested in stocks or bonds of any kind, but remains in the hands of the United States.

And it is hereby ascertained and agreed between the said Confederate States and the Choctaw Nation that there was due to the said nation on the first day of July, A. D. one thousand eight hundred and sixty-one, for and on account of these annuities, annual payments, and interests, the sum of $35,520; that is to say:

For the permanent annuities and other annual payments and allowances then due, $10,520.

For interest on the said sum of $500,000 for the year which ended on the thirtieth day of June, A. D. one thousand eight hundred and sixty-one, $25,000.

And it not being desired by the Confederate States that the Choctaw Nation should continue to receive these annual sums from the Government of the United States, or otherwise have any further connection or communication with that Government and its superintendent and agents, therefore the Confederate States of America do hereby assume the payment for the future of all the above-recited annuities, annual payments, and interest, and do agree and bind themselves regularly and punctually to pay the same to the treasurer of the said nation, or to such other person or persons as shall be appointed by the general council of the Choctaw Nation to receive the same; and they do also agree and bind themselves to pay to the treasurer of the said nation, immediately upon the ratification by all parties of this treaty, the said sum of $35,520, due on the first day of July of the present year, as aforesaid.

ART. LIV. And it is further ascertained and agreed between the Confederate States and the Choctaw Nation that the United States of America, while the said several Confederate States were included in the said Union, held, and do continue to hold, in their hands the sum of $500,000, paid by the Chickasaw Nation to the United States for the Choctaw Nation under the treaty of the seventeenth day of January, A. D. one thousand eight hundred and thirty-seven, and which it was agreed by that treaty should be invested in some safe and secure stocks, under the direction of the Government of the United States, redeemable within a period of not less than twenty years, and the interest thereon be annually paid to the Choctaw Nation and be subject to the entire control of the general council; and which sum having been invested in bonds or stocks of certain States, part or all whereof are now members of the Confederate States, it was agreed by the United States, by the thirteenth article of the treaty of the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, that the same should continue to be held in trust by the

United States and constitute, with certain other sums a general Choctaw fund, yielding an annual interest of not less than 5 per cent.

And it being further agreed that, in addition to the sums of money above mentioned, other moneys were justly due and owing from the United States of America when the Confederate States were parts thereof, and still continue due and owing and unpaid to the said Choctaw Nation, in part appropriated and in part unappropriated, by the Congress of the United States under existing treaties:

Therefore, the Confederate States do hereby assume the duty and obligation of collecting and paying over as trustees to the said Choctaw Nation all sums of money accruing, whether from interest or capital of the bonds of the several States of the Confederacy, or of any bonds or stocks guaranteed by either of them, now held by the Government of the United States in trust for the Choctaw Nation, and will pay over to the said nation the said interest and capital as the same shall be collected. And the said Confederate States will request the several States of the Confederacy whose bonds or stocks, or any bonds or stocks guaranteed by them, are so held to provide, by legislation or otherwise, that the capital and interest of such bonds or stocks shall not be paid to the Government of the United States, but to the Government of the Confederate States in trust for the Choctaw Nation.

And the said Confederate States do hereby guarantee to the Choctaw Nation the final settlement and full payment upon and after the restoration of peace and the establishment and recognition of their independence, as of debts in good faith and conscience, as well as in law, due and owing, on good and valuable consideration, by the said Confederate States and the other of the United States jointly before the secession of any of the States, of all sums of money that are so as aforesaid justly due and owing by the late United States under existing treaties to the Choctaw Nation or people, for itself or in trust for individuals, and of any sums received by that Government and now held by it by way of interest on or as part of the capital of any of the bonds or stocks of any of the States wherein any funds of the Choctaws had been invested; and do also guarantee to it the final settlement and full payment at the same period of the capital and interest of all bonds or stocks of any of the Northern States in which any of the said Choctaw funds may have been invested.

ART. LV. All the said annuities, annual payments, and interest and the arrearages thereof shall be applied, under the exclusive direction of the general council of the Choctaw Nation, to the support of their government, to the purposes of education, and to such other objects, for the promotion and advancement of the improvement, welfare, and happiness of the Choctaw people and their descendants, as shall to the general council seem good; and the capital sums of $500,000 each shall be invested or reinvested, after the restoration of peace, in stocks of the States, at their market price, and in such as bear the highest rate of interest, or be paid over to the Choctaw Nation, to be invested by its authorities or otherwise used, applied, and appropriated, as its Legislature may direct; and the other moneys due and owing to the said nation, and payment whereof is hereby guaranteed, shall be used, applied, and appropriated by the Choctaw Nation in accordance with treaty stipulations, and so as to maintain unimpaired the good faith of the Choctaw Nation to those for whom it will thus become trustee. And no department or office of the Government of the Confederate States shall have power to impose any conditions, limitations, or restrictions on the payment to the said

nation of any of said annual sums or arrearages of the said capital sums of $500,000 each, or in any wise to control or direct the mode in which such moneys, when received by the authorities of the nation, shall be disposed of or expended. Nor shall any appeal lie to any department, bureau, or officer of the Confederate States from the decision of the general council of the Choctaw Nation, or of any committee, court, or tribunal to which it may commit the adjudication, by any person or persons from any decision that may be rendered under the twelfth article of the treaty of the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, adverse to the justice and equity of any claim presented as one of those which, under that article, the Choctaw Nation became liable and bound to pay; but the adjudication and decision of the Legislature, or of any committee, court, or tribunal to which it may intrust the investigation or decision, against any such claim shall be absolutely final.

ART. LVI. It is hereby ascertained and agreed by and between the Confederate States and the Chickasaw Nation, that the United States of America, of which the Confederate States were heretofore a part, were, before the separation, indebted, and still continue to be indebted, to the Chickasaw Nation, and bound to the punctual payment thereof, in the following amounts annually, on the first day of July in each year; that is to say:

Permanent annuity of $3,000 under the act of Congress of the United States, approved on the —— day of ———, A. D. one thousand seven hundred and ninety.

The annual interest at 6 per cent. on the sum of $276,781.57, the amount of so much of the United States 6 per cent. loans in which the funds of the Chickasaw Nation were invested, under the third and eleventh articles of the treaty of the twenty-fourth day of May, A. D. one thousand eight hundred and thirty-four.

And the annual interest at 6 per cent. on the further sum of $100,000, the principal of that amount of Ohio 6 per cent. stock, in which part of the Chickasaw fund had been invested under the same articles of the same treaties, and which was paid into the Treasury of the United States on the ninth day of January, A. D. one thousand eight hundred and fifty-seven, to the credit of the Treasurer of the United States, and having been duly covered into the Treasury on fourteenth day of January in that year, there still remains.

And it is also hereby ascertained and agreed between the said Confederate States and the Chickasaw Nation that there was due to the said nation on the first day of July, one thousand eight hundred and sixty-one, for and on account of the said annuity and interest, the sum of $25,606.89.

And it not being desired by the Confederate States that the Chickasaw Nation should continue to receive these annual sums from the Government of the United States, or otherwise have any communication or connection with that Government, its superintendent, and agents, therefore the Confederate States of America do hereby assume the payment for the future of the above-recited annuity and interest, and do agree and bind themselves regularly and punctually to pay the same to the treasurer of the said nation, or to such other person or persons as shall be appointed by the Legislature of the Chickasaw Nation to receive the same; and they do also agree and bind themselves to pay to the treasurer of the said nation, immediately upon

ratification by all parties of this treaty, the sum of $25,606.89, due on the first day of July of the present year, as aforesaid.

ART. LVII. Whereas, it was agreed between the United States and the Chickasaw Nation, by the third article of the treaty made between them on the twentieth day of October, A. D. one thousand eight hundred and thirty-two, that as a full compensation to the Chickasaw Nation for the country ceded to the United States by that treaty the United States would pay over to the said nation all the moneys arising from the sales of lands so ceded after deducting therefrom the whole cost and expenses of surveying and selling the lands, including every expense attending the same;

And whereas, by the eleventh article of the treaty of the twenty-fourth day of May, A. D. one thousand eight hundred and thirty-four, between the United States and the Chickasaw Nation, it was agreed that all funds resulting from all entries and sales of such lands after deduction of the expenses of surveying and selling, and other advances made by the United States, should, from time to time, be invested in some secure stocks, redeemable within a period of not more than twenty years, the interest whereon the United States should cause to be annually paid to the Chickasaws;

And whereas, by the fifth article of the treaty of the twenty-second day of June, A. D. one thousand eight hundred and fifty-two, it was agreed between the United States and the Chickasaw Nation that the United States should continue to hold in trust the national fund of the Chickasaws and constantly keep the sum invested in safe and profitable stocks, the interest of which should be annually paid to the Chickasaw Nation;

And whereas, it is now, by the Confederate States and the Chickasaw Nation, ascertained and agreed that the following sums, part of the said fund of the Chickasaws, arising from the sales of their lands, were invested by the United States, while the Confederate States were part thereof, in bonds and stocks of certain of the States, in manner following, that is to say:

In the 5 per cent. stock of the State of Indiana, $210,000;

In 6 per cent. stock of the State of Maryland, $14,499.75;

In 6 per cent. stock of the State of Tennessee, $170,666.66;

In 6 per cent. stock of the State of Arkansas, $90,000, on which no interest has been paid since the 1st day of July, A. D. 1842;

In 6 per cent. stock of the State of Illinois, $17,000;

In 6 per cent. stock of the Richmond and Danville Railroad, guaranteed by the State of Virginia, $100,000;

And in 6 per cent. stock of the Nashville and Chattanooga Railroad, guaranteed by the State of Tennessee, $512,000;

And it being claimed by the Chickasaws that all the moneys received by the United States from the sales of their lands, after deduction of proper disbursements out thereof, have not been invested, that they have been charged with losses and expenses which should properly have been borne by the United States, and that in many cases moneys held in trust by the United States for the benefit of the orphan and incompetent Chickasaws had been wrongfully paid out to persons having no right to receive the same; in consequence of which complaints, then as now made, it was agreed by the fourth article of the treaty between the same parties, of the twenty-second day of June, A. D. one thousand eight hundred and fifty-two, that an account should be stated as soon thereafter as practicable,

under the direction of the Secretary of the Interior, exhibiting in detail all the moneys that had from time to time been placed in the Treasury to the credit of the Chickasaw Nation, resulting from the said treaties of the years 1832 and 1834, and all the disbursements made therefrom; and that to the account so stated the Chickasaws should be entitled to take exceptions, which should be referred to the Secretary of the Interior, who should adjudicate the same according to the principles of law and equity, and his decision should be final; and it was also, by the same article, agreed that the cases of wrongfully made payments should be investigated by the Congress of the United States, under the direction of the Secretary of the Interior, and if any person had been defrauded by such payments, the United States should account for the amounts so misapplied as if no such payment had been made:

Therefore, the Confederate States do hereby assume the duty and obligation of collecting and paying over as trustees to the said Chickasaw Nation, at par, and dollar for dollar, all sums of money accruing, whether from interest or capital of the said bonds or stocks of the said States of the Confederacy, or of stocks guaranteed by them, so held by the Government of the United States in trust for the Chickasaw Nation, and will pay over to the said nation the said interest and capital as the same shall be collected. And the said Confederate States shall request those States to provide, by legislation or otherwise, that the capital and interest of such bonds or stocks shall not be paid to the Government of the United States, but to the Government of the Confederate States in trust for the Chickasaw Nation.

And the said Confederate States do hereby guarantee to the said Chickasaw Nation the final settlement and full payment, upon and after the restoration of peace and the establishment of their independence, as of debts of good faith and conscience, as in law due and owing, on good and valuable consideration, by the said Confederate States and the other of the United States jointly before the secession of any of the States, of all sums of money received by that Government from the sales of the Chickasaw lands or otherwise however, in trust for the Chickasaw nation or individuals thereof, and which remain uninvested, or which it expended in unwarranted disbursements or in the payment of charges or expenses not properly chargeable to the Chickasaws; for the ascertainment whereof such account shall be taken, after the restoration of peace, by or under the direction of the Commissioner of Indian Affairs, as was directed by the fourth article of the treaty of the twenty-second day of June, A. D. one thousand eight hundred and fifty-two, and in accordance with the legal rules of stating accounts of trust funds and investments.

And the Confederate States also hereby guarantee to the Chickasaw Nation the final settlement and full payment, at the same period, of all moneys belonging to orphans or incompetent persons, or to other Chickasaws, and wrongfully paid by the United States to persons unauthorized to receive them, and for that reason, or for any other, not yet paid to the proper persons, under the same fourth article of the treaty last mentioned, as qualified and limited by the proviso added thereto by way of amendment, or under Article X of the said treaty; which cases shall be investigated by the Commissioner of Indian Affairs or by the agent under his direction.

And they also guarantee to it the final settlement and full payment, after the same period, of the said sums invested in U. S. stocks, and the said sum of $100,000, so covered into the Treasury on the

fourteenth day of January, A. D. one thousand eight hundred and fifty-seven, and of any other sums received by that Government and now held by it by way of interest on or as part of the capital of any of the bonds or stocks of any of the States wherein any funds of the Chickasaws had been invested; and they do also guarantee to it the final settlement and full payment, at the same period, of the capital and interest of all bonds or stocks of any of the Northern States in which any of said Chickasaw funds have been invested.

ART. LVIII. It is further hereby agreed that the said annuity, interest, and arrearages hereby assumed and agreed to be paid by the Confederate States shall be applied, under the exclusive direction of the Legislature of the Chickasaw Nation, to the support of their government, to purposes of education, and to such other objects for the promotion and advancement of the improvement, welfare, and happiness of the Chickasaw people and their descendants as shall to the Legislature seem good; and the capital in full of all the said bonds and stocks of States, corporations, and the principal of moneys due by the United States shall be invested or reinvested, after the restoration of peace, in stocks of the States, at their market price, and in such as bear the highest rate of interest, or be paid over to the Chickasaw Nation to be invested by its authorities, or otherwise used, applied, and appropriated as its Legislature may direct, without any control or interference on the part of any department, bureau, or officer of the Confederate States.

ART. LIX. It is hereby further agreed that no claim or account shall hereafter be paid by the Government of the Confederate States out of the Chickasaw funds, unless the same shall have first been considered and allowed by the Chickasaw Legislature.

ART. LX. Whereas, by the first article of the treaty between the United States of America and the Choctaw and Chickasaw Nations, on the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, it was provided that the boundary of the Choctaw and Chickasaw country should begin "at a point on the Arkansas River 100 paces east of old Fort Smith, where the western boundary of the State of Arkansas crosses the said river," and run thence "due south to Red River," which also was the line of boundary fixed by the treaties of the twentieth day of January, A. D. one thousand eight hundred and twenty-five, and the twenty-seventh day of September, A. D. one thousand eight hundred and thirty;

And whereas, when the said line was originally run between the State of Arkansas and the Choctaw Nation it was erroneously run to the westward of a due south line from that point of beginning on the Arkansas River;

And whereas, when the said line was again run by the United States, after the making of the said treaty of the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, it was arbitrarily ordered by the Secretary of the Interior, in violation of the said treaties, that the said line should not be run due south in accordance therewith, but that the old erroneous lines should in lieu thereof be retraced, and the same was accordingly done, thus leaving within the limits of the State of Arkansas a strip of country belonging to the Choctaw and Chickasaw Nations in the shape of a triangle, having Red River for its base;

And whereas, all the lands contained therein that are of any value were sold or granted by the United States, and are chiefly held and have been improved by private individuals:

It is therefore agreed by the Confederate States and the said Choctaw and Chickasaw Nations that the said line so run and retraced shall be perpetuated as the line between the Choctaw and Chickasaw country and the State of Arkansas, and that the said triangular tract of land shall belong to and continue to form an integral part of that State; and all titles to lands therein from and under the United States be confirmed; and it is further agreed that in consideration therefor the said Choctaw and Chickasaw Nations shall, upon the restoration of peace and the establishment and recognition of the independence of the Confederate States, be paid by them the fair value of the lands included in said tract, in their natural state and condition and unimproved, and of all the salt springs therein at the date of the said treaty, A. D. one thousand eight hundred and fifty-five, and without interest; which fair actual value shall be ascertained by a commission of four persons, two of whom shall be appointed by the President of the Confederate States, one by the Choctaw Legislature, and one by the Chickasaw Legislature, and the expenses of which commission shall be borne by the Confederate States.

ART. LXI. It is further agreed that if the present war continues the Confederate States will, upon the request of the Executive of the Choctaw and Chickasaw Nations, respectively, advance to the Choctaw Nation the sum of $50,000 and to the Chickasaw Nation $2,000, in discharge of so much of the moneys due to each, respectively, by the United States, and will invest each sum in the purchase for each nation, respectively, of such arms and ammunition as shall be specified by the Executive.

ART. LXII. All provisions of the treaties made by the Choctaws and Chickasaws, or either, with the United States, under which any rights or privileges were secured or guaranteed to the Choctaw or Chickasaw Nation, or to individuals of either, and the place whereof is not supplied by any provision of this treaty, and the same not being obsolete or no longer necessary, and so far as they are not repealed, annulled, changed, or modified by subsequent treaties or statutes, or by this treaty, are continued in force as if the same had been made with the Confederate States.

ART. LXIII. It is further agreed that the sum of $2,000 shall be appropriated and paid by the Confederate States, immediately upon the ratification of this treaty, to defray the expenses of the delegations of Choctaws and Chickasaws by whom this treaty has been negotiated, and that the same shall be paid over to R. M. Jones and by him equally divided among the members of the said delegations.

ART. LXIV. A general amnesty of all past offenses against the laws of the United States or of the Confederate States, committed before the signing of this treaty, by any member of the Choctaw or Chickasaw Nation, as such membership is defined in this treaty, is hereby declared; and all such persons, if any, charged with any such offense shall receive from the President full and free pardon, and if imprisoned or held to bail, before or after conviction, be discharged; and the Confederate States will especially request the States of Arkansas and Texas to grant the like amnesty as to all offenses committed by Choctaw or Chickasaw against the laws of those States, respectively, and the Governor of each to reprieve or pardon the same if necessary.

In perpetual testimony whereof the said Albert Pike, as commissioner with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms, and

the undersigned commissioners, with full powers of the Choctaw and Chickasaw Nations, do hereunto set their hands and affix their seals.

Done in triplicate at the place and upon the day in the year first aforesaid.

[SEAL.]

ALBERT PIKE,
Commissioner of the Confederate States.

R. M. JONES,	JAMES RILEY,
SAMPSON FOLSOM,	RUFUS FOLSOM,
FORBIS LEFLORE,	WM. B. PITCHLYNN,
GEO. W. HARKINS, JR.,	McKEE KING,
ALLEN WRIGHT,	WILLIAM KING,
ALFRED WADE,	JOHN P. TURNBULL,
COLEMAN COLE,	WILLIAM BRYANT,

Commissioners of the Choctaw Nation.

EDMUND PICKENS,	MARTIN W. ALLEN,
HOLMES COLBERT,	JOHN M. JOHNSON,
JAMES GAMBLE,	SAMUEL COLBERT,
JOEL KEMP,	A. ALEXANDER,
WILLIAM KEMP,	WILSON FRAZIER,
WINCHESTER COLBERT,	C. COLUMBUS,
HENRY C. COLBERT,	A-SHA-LAH TOBBE,
JAMES N. McLISH,	JOHN E. ANDERSON,

Commissioners of the Chickasaw Nation.

Signed, sealed, and copies exchanged in our presence, July 12, 1861.

WM. QUESENBURY,
Secretary to the Commissioner.
W. WARREN JOHNSON.
W. L. PIKE.
WM. H. FAULKNER.

RATIFICATION.

Resolved (*two-thirds of the Congress concurring*), That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a treaty made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and by the Choctaw and Chickasaw Nations of Indians, by their respective commissioners thereunto appointed and elected, of the other part, concluded at the North Fork Village, on the North Fork of the Canadian River, in the Creek Nation, on the twelfth day of July, A. D. one thousand eight hundred and sixty-one, with the following amendments:

I. Strike out from Article XXVII the words, "to the same rights and privileges as may be enjoyed by delegates from any Territory of the Confederate States," and insert in lieu thereof the following words, "to a seat in the hall of the House of Representatives, to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto, and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

II. Strike out from Article XXVIII the following words, "the whole Choctaw and Chickasaw country, as above defined, shall be received and admitted into the Confederacy as one of the Confederate States, on equal terms in all respects with the original States, without regard to population, and," and insert in lieu thereof the following words, "the application of the said nations to be admitted as a State into the Confederacy, on equal terms in all respects with the original States, shall be referred to and considered by the Congress of the Confederate States, by whose act alone, under the Constitution, new States can be admitted and whose consent it is not in the power of the President of the present Congress to guarantee in advance, and if the Congress shall assent to such admission, the whole Choctaw and Chickasaw country, as above herein defined, shall constitute the State so admitted, and in case of such admission."

III. Strike out from Article XLIII the following words, "or of any one of the States," and add at the end of this article the following words, "and the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article in respect to suits and proceedings in their several courts."

IV. Strike out from Article XLIV the following words, "or in a State court," and insert in lieu thereof the following words, "or in a State court subject to the laws of the State."

V. Strike out from the fourth paragraph of Article LVII, in the phrase "two hundred and ten thousand dollars," the word "ten," and insert in lieu thereof the word "two."

NOTE.—The foregoing treaty, together with the amendments, was duly ratified by the Choctaw and Chickasaw Nations, respectively.

RICHMOND, *July 12, 1861.*

Governor JOSEPH E. BROWN,
Atlanta, Ga.:

The crisis of our fate may depend upon your action. The two regiments you have organized are indispensable to success. For the sake of our cause and the country I beseech you to send them without standing upon the point of the brigade organization. The President has no power to accept a brigade. If you refuse you will regret it. It is not necessary that I should say more. Semmes' regiment, about which the President wrote you some time since, I have been compelled to order here. You can doubtless supply its place in a few days.

L. P. WALKER.

[JULY 12, 13, 25, and 28, 1861.—For correspondence between Walker and Withers, in relation to receiving Kentucky troops, see Series I, Vol. IV, pp. 367, 368, 374, 376.]

BATON ROUGE, LA., *July 12, 1861.*

Hon. L. P. WALKER:

Six hundred and eighty muskets, twenty Hall's carbines, twenty Colt rifles, all the arms on hand.

J. C. BOOTH.

CUSTOM-HOUSE, COLLECTOR'S OFFICE,
New Orleans, July 12, 1861.

Hon. L. P. WALKER,
Secretary of War, Richmond, Va.:

SIR: I have the honor to transmit herewith a report of H. L. Hanley, in charge of the expedition dispatched in conformity to instructions from the War Department in search of the ship Windsor Forest.* I have been informed, but have not been able to put my hands on the paper, that the New York Tribune of the 24th of June reports the arrival of that vessel at New York on the 23d of June, having been spoken on the 7th of June off Key West by the ship Charles S. Pennell, hence for Liverpool, and warned of the state of blockade.

Very respectfully, your obedient servant,

F. H. HATCH,
Collector.

MEMPHIS, *July 12, 1861.*

General LEONIDAS POLK,
Memphis:

DEAR SIR: Before leaving Richmond the President desired me to give him all the information I could about the manufactory of small-arms at Holly Springs, and since my arrival at home I have received a letter from the Secretary of War on the same subject. Having had some conversation with you while in Richmond in reference to the matter, I have thought it would not be unimportant to you to give you the substance of my inquiries. Jones & McElwain, of Holly Springs, large manufacturers of iron, and employing some 200 men, are now busily engaged in the construction of machinery for the manufacture of the Belgian or Mississippi rifles, as may be desired, with bayonets and all complete. They inform me that they can be prepared in sixty days to deliver rifles, and in ninety days they could manufacture and deliver 100 per day, unless they fail to increase their mechanical force as they are now attempting to do. They will in a few days have a machine in readiness to rebore and rerifle the common rifle and make bayonets therefor, and if you could supply them with a machine for this purpose they could put it into immediate operation. They are also prepared to make large shot and shell of any size and description. Mr. McElwain is one of the best machinists in the country. He has few equals; with energy to carry out what [he] undertakes. They do not possess sufficient capital to carry into effect all his plans without some pecuniary aid. I have persuaded Mr. McElwain to visit Richmond and have a personal interview with the President. He left on Monday morning last for the purpose, and may be expected back next week. I think you would facilitate the consummation of your wishes to change the common rifle by supplying them with one of the machines you have for that purpose. I had hoped for a personal interview with you before leaving the city, but business compels me to return home this evening.

I am, with respect, your obedient servant,

W. GOODMAN.

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*See Walker to Huse and Anderson, July 18, p. 486.

RICHMOND, *July 12, 1861.*

Governor PICKENS,
Columbia, S. C.:

The President has given me instructions in the following words, indorsed upon your letter to Col. Maxcy Gregg of July 9:

If the Governor will allow the companies to tender their services directly, with the assurance that they shall have the arms and equipments and name and banner of the late First Regiment, the Secretary of War might accept them, and then the field officers of the old regiment could be appointed by the President, and the regiment so formed be accepted in lieu of one of those called for in the recent requisition.

In pursuance of this authority from the President I inform you that the recent requisition is varied in accordance with the preceding instructions, and that ten companies will be received to form a regiment under the name of the First South Carolina Volunteers.

L. P. WALKER,
Secretary of War.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, July 12, 1861.

Brig. Gen. WILLIAM J. HARDEE, &c.,
Memphis, Tenn.:

GENERAL: Your letter of the 4th instant is received. The muster of Capt. A. W. Clarkson's company of artillery, authorized by you with the conditions attached, is approved. Second Lieut. David G. White, of artillery (cadet of third class of 1860), is ordered to report for duty.

Very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

P. S.—You were telegraphed at Memphis on the 10th instant as follows:

B. W. Sharp writes from Memphis tendering a battalion of 300 men for the war, armed. The President desires that you cause the battalion to be mustered into service and attach it to your command.

S. COOPER,
Adjutant-General.

The letter of Mr. Sharp, with your indorsement, of June 30, to the Secretary of War, making the same tender and offering to increase the battalion to 500, is just received, and you are authorized to muster in the additional companies of the battalion as they are presented. The arms with which the battalion is now supplied (common country rifles and shotguns, &c.) will be used until others are supplied, if that be possible. After a report from you that the battalion has been mustered into service and organized a field officer will be appointed by the Department, doubtless Major Sharp.

Very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE DEPARTMENT,
Richmond, Va., July 12, 1861.

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

SIR: Your letter of the 9th instant to Governor Letcher was forwarded to him, as he was absent from the city upon its receipt. He

has addressed a brief note to me, in which he says that as he desires no delay in all arrangements necessary to forward the public interests of Virginia and all the Confederate States, he requests that I will attend to this matter, and take such action as I and Mr. Tucker (the attorney-general) may deem right in the premises. He further says that as the injunction of secrecy was not removed from the resolutions to which you refer, he had not heard and did not know of these proceedings until he was informed of the action of the War Department in respect to them. He says that he will approve what I may do and will carry it out upon his return to the city. Acting under this authority, in the name of the Governor of Virginia, and for him, I have the honor to turn over and transfer to the Government of the Confederate States, for use during the war, all the machinery and stores captured by the Virginia forces at Harper's Ferry, now in possession of the State, reserving the right of property therein. The Governor is directed by one of the resolutions to preserve an inventory of all property thus turned over, &c. In order to do this it will be my pleasure on his behalf to direct the colonel of ordnance of Virginia, in conjunction with any officer to be detailed by your orders, to take the necessary steps for a correct and fair inventory, as required. The Governor of Virginia believes it was the desire and purpose of the convention to have the machinery put up in the armory at Richmond; hence in the third resolution it provided "that the Governor of Virginia be authorized to allow the Confederate Government, on such terms as he may deem just and reasonable, the use of the Armory buildings at Richmond for the operation of said machinery." In accordance with this authority vested in the Governor, I beg leave in his name to tender the use of the Armory buildings for operating said machinery, and to express the desire that the tender may be accepted. The armory has been in operation in this city to a certain extent since the memorable year of 1800, and was then established with a view to the great crisis of that period. Virginia is anxious to continue it with the enlarged facility afforded by the machinery in question, and while she cheerfully yields its use to the Confederate Government for the common cause of all the States, I may add the expression of the opinion and feeling of the Governor that it was the intention of the convention that the machinery should be used in the buildings now tendered to your service, unless its safety would thereby be imperiled or its value to the Confederacy be seriously impaired.

I am, sir, with high respect, yours,

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

ORDNANCE DEPARTMENT,
Richmond, Va., July 12, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I this morning received the communication marked A, in which it is said "that your action may involve serious embarrassment to the troops in the field." The grave responsibility here thrown upon me by Major Gorgas must be my excuse for most respectfully asking you to listen to the following circumstances: So soon as the Virginia troops took Harper's Ferry, by direction of the Governor of Virginia I took charge of and gave directions for the removal of the

machinery and materials there found. Before this was fully accomplished I was directed by the Governor to turn over to any authorized agent of North Carolina the rifle machinery, taking care to retain all and any machines, or parts thereof, that may be necessary for the making up of muskets, which order I immediately transferred to Lieutenant-Colonel Burton, who had the immediate control of the same. (See my order to him marked A.)* This order, Colonel Burton informs me, has been observed in accordance with his letter to me, marked B.

I have received no order or direction from the Governor since that time relieving me from the control and responsibility of the machinery not turned over and being turned over to North Carolina; but, on the contrary, in mentioning the subject to the Governor, I have been instructed to be guided by his orders, and am engaged in pressing forward this machinery into operation, with the view that the rifled muskets might be manufactured as soon as possible for the troops in and going into the field. On the 3d of July the order marked C was received, which I referred to the Governor, who instructed me to be governed by former instructions. On the 8th of July the letter marked D was received by Colonel Burton, which was referred to me by note marked E, upon which I indorsed as seen thereon. On the 11th Mr. Adams, the master armorer here, received the order marked F,† upon which, having been referred to me, I indorsed as seen thereon. On the 11th of July I received the note marked H, which I have not thought proper to answer, and on this day I have received the letter marked I, to which I replied as per K.‡ I have thus detailed my action, which I hope will relieve me from the implied charge, made by Major Gorgas, that I may have by my course involved the troops in serious embarrassment in the field, and that I have retained tools necessary to the operations in the laboratory, thus causing the State to do great injury to the common defense. I again beg pardon for this interruption, but having by a devotion manifested by works satisfied all who know me of my willingness to serve the South, I cannot allow the remotest insinuation to be made by any one without resisting it at once.

I am, very respectfully, your obedient servant,

C. DIMMOCK,
Colonel of Ordnance, State of Virginia.

A.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 11, 1861.

Colonel DIMMOCK,
Richmond:

SIR: Your indorsement on the order of the Secretary of War, given through the Chief of the Bureau of Ordnance, has been referred to him. You will excuse me for calling your attention to the fact that your action may involve serious embarrassment to the troops in the field.

Respectfully, your obedient servant,

J. GORGAS,
Major and Chief of Ordnance.

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* See Dimmock to Burton, June 15, p. 379.

† See inclosure Walker to Letcher, July 12, p. 473.

‡ Not found, but the reference is probably to Dimmock's indorsement on paper marked I.

B.

ORDNANCE DEPARTMENT,
Richmond, June 13, 1861.

Col. C. DIMMOCK,
Chief of Ordnance:

SIR: With reference to the question of selecting and forwarding to Fayetteville such materials received from Harper's Ferry as pertain specially to the rifle, I beg to state that with the exception of the materials for barrels and stocks the requirements of the rifle factory at Harper's Ferry were supplied from the general stores and materials of the post. There can be no objection to forwarding the materials for rifle barrels and stocks at once to Fayetteville if desired, but at the present moment I am unable to determine the quantity arrived here, and beg to suggest that, inasmuch as nothing has yet been done toward the erection of the means of manufacturing rifles at Fayetteville, the question of materials may be deferred until such time as I can investigate the subject and determine which properly belongs to the rifle. The materials other than those herein mentioned will be useful and necessary in the manufacture of the rifle musket.

I have the honor to be, sir, your most obedient servant,

JAMES H. BURTON,
Lieutenant-Colonel of Ordnance.

C.

CONFEDERATE STATES OF AMERICA,
ORDNANCE OFFICE, WAR DEPARTMENT,
July 3, 1861.

The shafting, vises, tools, &c., now at the Central depot, from Harper's Ferry, belonging to the rifle factory, will be transferred to W. S. Downer for shipment to Fayetteville as rapidly as possible. A general inventory will be made of the same now, and an accurate inventory will be made on their arrival at Fayetteville, when anything belonging to the musket factory will be at once returned to this post. Any part of the rifle machinery, &c., detained here will in the same way be forwarded to Fayetteville hereafter.

By order of the Secretary of War:

J. GORGAS,
Major and Chief of Ordnance.

D.

ORDNANCE OFFICE, *July 8, 1861.*

Lieutenant-Colonel BURTON,
Virginia Forces:

COLONEL: Be pleased to provide Mr. Price with such tools and materials as he may require for repair of arms at Winchester and as you can readily furnish.

Respectfully, your obedient servant,

J. GORGAS,
Major and Chief of Ordnance.

E.

STATE ARMORY, *Richmond, July 8, 1861.*

Col. C. DIMMOCK,
Chief of Ordnance:

SIR: I have this morning received from Major Gorgas, Chief of Ordnance Department of the Confederate States, instructions to supply Mr. M. E. Price with certain tools essential to the repair of arms in the field, and on yesterday Mr. Adams, the master armorer, received instructions from the same source to turn over to Mr. Smith, of the laboratory, three turning lathes and driving gears for the same. I have as yet received no authority to comply with such requisitions, and I therefore respectfully request that you will favor me with your instructions as to how I shall act in the premises.

I have the honor to be, sir, your most obedient servant,

JAMES H. BURTON,
Lieutenant-Colonel of Ordnance.

[Indorsement.]

Until the order of the Governor is received this department cannot be governed by orders from elsewhere.

C. DIMMOCK,
Colonel of Ordnance of Virginia.

H.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 11, 1861.

Lieutenant-Colonel DIMMOCK,
Richmond:

SIR: Your indorsement on the order of the Secretary of War, given through the Chief of the Bureau of Ordnance, has been referred to him. You will excuse me for calling your attention to the fact that your action may involve serious embarrassments to the troops in the field.

Respectfully, your obedient servant,

J. GORGAS,
Major and Chief of Ordnance.

I.

ORDNANCE OFFICE, *July 12, 1861.*

Colonel DIMMOCK,
Ordnance, State of Virginia:

COLONEL: Will you do me the favor to see me at your leisure in reference to the tools required by Smith. By retaining tools necessary to our operations in the laboratory the State does great injury to the common defense.

Respectfully,

J. GORGAS.

[Indorsement.]

The tools, lathes, &c., asked for as "retained" never were in the laboratory, and never formed any part of that establishment, but belong to the musket machinery.

C. DIMMOCK,
Colonel.

WAR DEPARTMENT,
Richmond, July 12, 1861.

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: I take the liberty of laying before Your Excellency a letter from Major Gorgas, Chief of Ordnance Bureau of the Confederate States, with the indorsement thereon of C. Dimmock, colonel of ordnance of the State of Virginia, and in so doing I beg leave to inquire whether or not the government of Virginia designs to keep up a separate and distinct ordnance department. It is important that the subject should be understood. The precise point to which I would now call the attention of Your Excellency is whether the lead taken from Harper's Ferry on Tuesday last is to be subject to the orders of this Department, or only to the orders of the Virginia authorities. In deciding this point I beg Your Excellency will recollect that the lead aforesaid has been removed since the transfer to the Confederate States of the machinery, &c., which had been seized at Harper's Ferry. For an early answer to these inquiries I would be thankful to Your Excellency.

Very respectfully,

L. P. WALKER,
Secretary of War.

[Inclosure.]

CONFEDERATE STATES OF AMERICA,
ORDNANCE OFFICE, WAR DEPARTMENT,
Richmond, Va., July 11, 1861.

Mr. S. ADAMS,
Master Armorer:

By direction of the Secretary of War of the Confederate States you will, on the receipt of this order, deliver to Mr. W. S. Downer, for transportation to the laboratory of the Confederate States, the lead received from Harper's Ferry on Tuesday.

J. GORGAS,
Major and Chief of Ordnance.

[Indorsement.]

Having no order from the Governor of Virginia by which I should be authorized to consent to the within order, Mr. Adams will wait further orders. The lead is not any part of the machinery, but material.

C. DIMMOCK,
Colonel of Ordnance, Virginia.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 13, 1861.

His Excellency JOSEPH E. BROWN,
Atlanta, Ga.:

DEAR SIR: My attention has been called to a paragraph cut from one of the Georgia papers and inclosed to me by one of the Richmond editors. The paragraph referred to has some animadversions on an article which appeared in a Richmond paper on the subject of the arms of Georgia, and for which it would seem the Secretary of

War is held, by implication, responsible. I have attentively perused the article commented upon, and really have failed to discover any purpose on the part of the editor to perpetrate any injustice upon you, or grounds for the Georgia editor's presumption of variance between the President—whose letters it appears he has seen—and myself in estimation of your official conduct. Now, in relation to all this matter, I may frankly say to you, in this unofficial manner, that there is no difference that I am aware of between the President and myself in regard to yourself. We both entertain, I am sure, the most cordial feelings of respect for your character, patriotism, and public services, and we have agreed in the policy of making earnest appeals to you to permit any arms within your jurisdiction not in use to be wielded in a common defense against a common enemy. From this position we have the best means of knowing the imminence of the danger, and I can assure Your Excellency [that the President] and myself unite in congratulations upon every manifestation of the determination of Georgia to maintain her full share of the responsibility and the glory in this momentous conflict.

Therefore I repeat to you my assurances of respect and friendly consideration, and trust that you will not allow the insinuations of an editor to create in your mind the impression that I am otherwise than, both officially and personally,

Your Excellency's obedient servant and friend,

L. P. WALKER.

RICHMOND, *July 13, 1861.*

Governor T. O. MOORE,
New Orleans, La.:

As soon as you determine where you will locate the camps of instruction please advise me, in order that proper arrangements may be made for the support of the troops. Although these troops were called out by companies, if you deem it more advisable you may accept them by regiments. Thus accepted, they will elect their own field officers.

L. P. WALKER.

(Same to Governors of Alabama, Mississippi, and Tennessee.)

JACKSON, MISS., *July 13, 1861.*

Hon. L. P. WALKER,
Richmond:

The two regiments at Iuka, near Corinth. Two companies of cavalry ordered there. Will telegraph Monday the location of the camps of instruction.

JOHN J. PETTUS.

NASHVILLE, *July 13, 1861.*

His Excellency JEFFERSON DAVIS,
Richmond, Va.:

I approve the appointments of Pillow, Anderson, and Donelson, but they are all Democrats. Though not consulted, I shall be held responsible here for your appointments in the State. I therefore venture to

express the hope that you will appoint the other generals heretofore appointed by me: F. K. Zollicoffer, William R. Caswell, B. F. Cheatham, Robert C. Foster, third, and John L. T. Sneed, all good and competent men, and all Whigs except Cheatham. It is a political necessity, as well as strict justice, that the Whig element be fully recognized. We will have twenty-five infantry regiments. Answer.

ISHAM G. HARRIS.

SPOTSWOOD HOTEL, *July 13, 1861.*

Hon. L. P. WALKER:

Permit me, sir, to introduce to your consideration the advantages that would accrue from a regiment of mounted men, on the guerrilla order, properly posted in the Gulf parishes of Louisiana. We have in that State all sorts of people—men that can be bought and sold; negroes from different Southern States of ungovernable tempers ready for the blackest deeds, suitable fuel for the enemy. A goodly number of our citizens can neither speak nor understand the English language—at least one-fourth in many of the parishes—and many who do are ignorant of our system of government. Talk to them of our constitutional rights and the sires of the Revolution, they look upon you with astonishment. Some have never heard the sound of fife and drum. The creole population outside the city of New Orleans are very civil and peaceable, and the small portion of them that have left with the American population for the battle-field are of the right stamp. Those of the First and Second Regiments know their rights and will fight for them in or out of Louisiana. But, sir, that portion of our citizens that are best able to endure the hardships of a campaign are not in the field. Our militia laws are too weak to force those out that are not disposed to fall in with us. I would not be understood to mean that those who are unwilling to leave the State are not disposed to fight for their State. There are but few that are not willing to risk their all. Now, sir, to draw those able men into the field is what I am anxious to bring about; for if Lincoln goes in for booty Louisiana is his field, and they know it. To better secure our safety and dispossess the people of uneasiness I should like to have the privilege of organizing a regiment on the above plan. I can get the sturdy men of our State, besides 100 or 200 Indians. Should my views be approved of Governor Moore will aid me. The companies forming the regiment could be drilled and fitted to be mustered into service by October. Had I not promised my friends to use every honorable means to set this matter on foot I should not have been so lengthy. Should you favor my plans and wish to communicate with Governor T. O. Moore, I should be pleased to be the bearer of your dispatches. I leave to-morrow for Yorktown, but will return to this place in a few days.

With much respect, I am, sir, your most obedient servant,

B. W. BLAKEWOOD.

[JULY 13, 1861.—For Walker to Letcher, requesting issue of proclamation calling into immediate service the militia of all the counties of Virginia north of James River and east of the Blue Ridge, see Series I, Vol. LI, Part II, p. 169.]

EXECUTIVE DEPARTMENT,
July 13, 1861.

Hon. L. P. WALKER,
Secretary of War of the Confederate States:

SIR: Your letter to the Governor of the 12th instant was received this morning at this department. In the absence of the Governor he has authorized me "to turn over and transfer to the Government of the Confederate States, for use during the war, all the machinery and stores captured by the Virginia forces at Harper's Ferry now in possession of the State, reserving the right of property therein." By letter addressed to the President on yesterday he was informed of my readiness to make the transfer. In accordance with that letter I have directed Colonel Dimmock to turn over the lead mentioned in your letter to Major Gorgas. It is necessary, however, under the resolutions of the convention of this State, that "an inventory of all property thus turned over" should be taken and preserved. In my letter to the President on yesterday I stated this necessity, and informed him that the colonel of ordnance of Virginia, in conjunction with any officer to be detailed by his orders, should take the necessary steps for a correct and fair inventory. This order has been given, but I have not yet received a reply to my letter from the President, nor been apprised that any such officer has yet been detailed.

Heretofore there has been an understanding between the Governor and His Excellency the President that a division of labor in the Ordnance Department should be made, and in consequence of that understanding a proclamation was issued by the Governor ordering that the preparation and issue of ammunition and everything connected therewith should be transferred to the Confederate States, and that the manufacture of gun carriages, caissons, and accouterments belonging to artillery and the issue of artillery and arms should be assigned to the ordnance department of Virginia. In conformity to this supposed understanding, Major Gorgas has superintended the construction of ammunition in the building established therefor and with the laborers employed by the State, and Colonel Dimmock, colonel of ordnance of Virginia, has continued the manufacture of gun carriages at the expense of the State, and at this time he has orders from General Lee to furnish equipments for field artillery not yet completed. It is proper to know if it is desired that this arrangement and distribution of duties should continue or all these duties be performed by the Ordnance Department of the Confederate States. Some arrangement ought to be made for the completion of these orders. With every disposition to act in the utmost harmony with the Government of the Confederate States in all its departments, and in no manner to throw obstacles in their way, we are yet compelled to conform to the positive requirements of our laws.

I am, sir, very respectfully,

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 13, 1861.

CHARLES GREEN, Esq.,
Gainesville, Prince William County, Va.:

SIR: There was some delay in the reception of your letter of 2d instant, but I reply to it at the earliest possible moment. My former

letter was quite as full and explicit as this Department feels authorized to go. There need be no apprehension about your recognition by Captain Huse. A copy of the letter appointing you an agent was forwarded to Captain H. I have no password, but I send you the pass requested.

Respectfully,

L. P. WALKER,
Secretary of War.

ATLANTA, *July 14, 1861.*

Hon. JEFF. DAVIS,
President Confederate States of America:

I do not feel authorized by our statute to disband the brigade. If the act of Congress is in the way you can accept it as a whole by commissioning the general now in command.

JOSEPH E. BROWN.

COLUMBIA, *July 14, 1861.*

President DAVIS:

Two companies of cavalry would add greatly to the two camps of instruction. Can it not be done?

F. W. PICKENS.

[Indorsement.]

Your wish for two companies of cavalry at camps of instruction acceded to.

JEFF'N DAVIS.

ATLANTA, GA., *July 15, 1861.*

L. P. WALKER:

After you learned from my letter the component parts of the State brigade you made requisition on me, which reached me ten days since, for two armed regiments, which are no part of Georgia's equal quota, probably with a view to disband the brigade. Waiving all question of quota, I immediately put two new regiments under orders. They are now here in camp and are subject to your order, armed and equipped. You now demand the two regiments of the brigade as indispensable to success. The brigade which I am training at the State's expense under an act of her Legislature consists of two regiments and three battalions. The battalions are as good men and as well armed as the regiments. If the regiments are indispensable to our success, why are not the three armed battalions needed? I have tendered all together. If armed men are indispensable to success, I offer you 2,500 together in place of 1,500, and beg you for the sake of our common cause to accept them. If it is desired to do an act of justice to the State the President can obviate all legal difficulties in the way of accepting them in a moment by commissioning the general in command. No truthful statement which can be made will show that Georgia suffers by a comparison of the part she has performed in the contest with that of any one of her Confederate sisters. While she has a man and a gun she will continue to do more than her equal

part. If the threat of consequences to me for disobedience to your behests, which the language of your dispatch implies, is intended, rest assured it fails to intimidate.

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 15, 1861.

WILLIAM SKEEN, Esq.,
Warm Springs, Va.:

SIR: In reply to your letter of the 30th of June the Secretary of War directs me to say that a battalion raised for the war and armed will be accepted, but not otherwise.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.
By J. B. JONES.

ORDERS No. 737. } HDQRS. LOUISIANA MILITIA, ADJT. GEN.'S OFFICE,
New Orleans, July 15, 1861.

I. The Secretary of War has made a requisition for 3,000 volunteers to be placed in camps of instruction. Each company must be composed of 1 captain, 1 first lieutenant, 2 second lieutenants, 4 sergeants, 4 corporals, and 64 to 100 privates. They will be sent to Camp Moore, and to a new camp in the interior, the site of which will be duly announced.

II. The President will assign officers to take charge of the troops as soon as mustered in, and the camp will be under control of the War Department of the Confederate States. The President will also organize the companies into battalions or regiments, as he may prefer, and appoint the field officers and staff.

III. The Secretary of War has also authorized me to accept the above troops by regiments. If thus tendered and accepted they will elect their own field officers. To secure this privilege ten companies, numbering 1,000 men, must form the regiment, elect their own officers, and tender to me completely organized.

By order of Thomas O. Moore, Governor and commander-in-chief:

M. GRIVOT,
Adjutant and Inspector General.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, July 15, 1861.

Honorable SECRETARY OF WAR CONFEDERATE STATES,
Richmond, Va.:

SIR: Upon assuming the duties of Governor of the State I found that orders had been issued for concentrating a regiment of twelve-months' volunteers at Asheville, N. C., and an officer detailed to muster the companies into service. I have been very much importuned to take them into active service, and have consented to do so, provided the men would arm themselves with the ordinary hunting rifle. I have therefore respectfully to propound the following inquiries: Will the Confederate States Government accept the aforesaid

regiment of riflemen from the mountains of North Carolina upon the condition mentioned, or to be armed otherwise, as may be preferred by that Government? If accepted as above, will the men be paid for the use of their arms, or will the Government have the same appraised and purchase them? Will the Government authorize the purchase of rifles for those men that cannot otherwise procure them? Will a small expenditure of money be authorized for boring out and otherwise altering rifles, so as to make them as near uniform as practicable? Also for the manufacture of molds for the oblong or minie-ball to suit these rifles? Will authority be given to pay to those men who will volunteer to serve during the war the same bounty ($15) that is now paid to the State troops? Will one or more companies of cavalry be accepted, to be attached to the said regiment, provided each man furnishes his own horse, arms, and equipments? Lieut. Col. R. H. Riddick, assistant adjutant-general of our State troops, is charged with the delivery of this communication. He is zealous and capable, and will carry out faithfully, and I doubt not satisfactorily, the aforesaid matters if intrusted to him.

I have the honor to be, very respectfully, your obedient servant,

HENRY T. CLARK,
Governor.

HEADQUARTERS SOUTH CAROLINA,
July 15, 1861.

Hon. Mr. WALKER,
Secretary of War:

SIR: I have responded to your call for two regiments for the war by offering one to Colonel Gregg, and have designated Colonel Orr's, now raised for the war, as the other. This will be near 1,200 strong, and I will endeavor to arm and equip it as well as I can, but I have no arms now except some old flint-and-steel muskets, which I am having altered to percussion and having them rifled so as to be able to defend ourselves this fall if possible. I made you a general statement some weeks ago as to our forces and the arms. In that I showed you that we had received 15,000 effective arms from the former U. S. arsenal, and that I had sent into Virginia, with men, including Hampton's Legion, 7,400; to Florida, 6,000; to Tennessee, 2,000; to Lynchburg, 1,000; Colonel Orr's regiment, 1,200; two regiments just starting for Virginia, 1,672; total, 20,272; four regiments on the sea-coast and in the harbor of Charleston, armed by me, 3,700; and I am obliged to keep in the hands of 2,400 men in Charleston, as a reserve corps, under orders now for immediate duty in any emergency, 2,400; all amounting, as you see, to 25,372.

This includes over 11,000 of our own purchase above what has been received, and if I am to arm the 3,000 men now called for it will take all we can raise, even after changing the old flint-and-steel muskets into percussion. I am now rifling and fixing them as fast as possible. I gave you the above statement some weeks ago, and now repeat it only from memory and not with exact accuracy. I do so to let you know that I have advanced all I dare do in the way of arms unless I expose the State to great danger this winter if we are invaded, and our sea-coast is so extensive that we must look for it. I have ordered the Second and Sixth Regiments, all fully armed and equipped, to Virginia, and one of them will start on Tuesday next and the other on Wednesday.

I understand from General Gist that you agree for me to retain a portion of the 3,000 men I am to encamp in place of these two regiments now being sent on, or if these 3,000 are moved forward, that then these two regiments at least will be ordered back to me. Of course, if we are threatened with invasion toward cool weather I shall expect to get several of my regiments back, unless some pressing emergency in Virginia may demand their retention. General Gist also requests me to send on to you four names for the appointment of quartermasters. I do not understand if they are for the 3,000 men to be encamped or as quartermasters for other service, but I name to you Col. John S. Green, Col. C. H. Suber, and Col. M. A. Moore, members of my staff, and also Mr. Sanders Glover, of Charleston. They are honest and efficient men. If you will send me their appointments I will inform them. I hope there will be no objections to my naming three assistant surgeons for the 3,000 men, as they will be better contented to have some physician with whom they are acquainted, and this would reserve the three surgeons for three regiments from the 3,000 still to be appointed by you and to command the assistants. You will be so kind as to let me know on these points as soon as you can, for I have ordered the encampments. I hope that you have extended all the necessary orders to Capt. Stephen D. Lee, Confederate quartermaster and commissary in Charleston. I would now most respectfully urge upon you to allow me to attach two squadrons of cavalry to each of the encampments, so as to make them a thorough school for instruction. This State has had no cavalry received into service, and we have a great many efficient corps of cavalry. This would make the encampments complete and the cavalry might be of great service in next winter's campaign.

I have the honor to be, very respectfully, your obedient servant,

F. W. PICKENS.

RICHMOND, VA., *July 15, 1861.*

Governor I. G. HARRIS,
Nashville, Tenn.:

The political complexion was accidental.* Two of the three generals appointed held in your State the highest military rank. The other had received a thorough military education. Therefore they were chosen. All were esteemed worthy of highest regard and confidence, but a part only at present required. How many regiments have you organized, armed, and equipped? We need re-enforcements here.

JEFF'N DAVIS.

RICHMOND, *July 16, 1861.*

Governor JOSEPH E. BROWN,
Atlanta, Ga.:

I have just received your dispatch of the 15th. You wholly misapprehend the purpose and spirit of my telegram of 12th. It not only did not contain a threat, but was not intended to convey one. My sole object was to make an appeal to your well-known patriotism, based upon facts known to the Department, but which it would be

*See Harris to Davis, July 13, p. 474.

highly impolitic to make public. Both the facts and the danger still exist, and in the best spirit toward you, both officially and personally, I renew the appeal.

L. P. WALKER.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 16, 1861.

His Excellency HENRY T. CLARK:

SIR: Your letter of July 15, informing this Department that orders have been issued for concentrating a regiment for twelve-months' volunteers at Asheville, N. C., and propounding certain inquiries with reference to the conditions under which it is proposed to muster this regiment into service, has been received. In reply, I desire to say: First. That the regiment will be received if armed with the hunting rifle, but that in order to be received as a regiment it must first be constituted into a regiment—that is, by the election of its own field officers—before it is tendered to the Government for service. Second. That after the regiment has been received the arms will be appraised by the proper agents of this Government and paid for at their valuation. Third. The Government could authorize the purchase of arms for those who could not otherwise procure them only through its own agents. Fourth. Only such expenditure could be authorized for the improvement and furnishing of the arms as might be judged by the chief of the Bureau of Ordnance to be necessary. Fifth. No authority is known to exist whereby this Government can promise bounties to volunteers. This inquiry is therefore answered in the negative. Sixth. No companies of cavalry are needed in connection with this branch of the service, and consequently none can be received.

Very respectfully,

L. P. WALKER,
Secretary of War.

COLUMBIA, *July 16, 1861.*

President DAVIS:

Telegram as to cavalry received. I can put into encampment also two fine artillery companies with four pieces each. Is it wanted?

F. W. PICKENS.

[Indorsement.]

Secretary of War will answer: The two artillery companies with batteries accepted.

JEFF'N DAVIS.

[JULY 16, 22, and 23, 1861.—For correspondence between Walker and Harris, in relation to sending Tennessee troops to Virginia, see Series I, Vol. LI, Part II, pp. 172, 190, 195.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 16, 1861.

Hon. GEORGE W. MUNFORD,
Secretary of Commonwealth of Virginia:

SIR: In reply to your letter of the 13th instant I have to say that Major Gorgas has been directed to receipt for the transfers to be

made, and this Department will not object to the arrangements suggested by you as having been proposed by Governor Letcher and approved by the President.

Very respectfully,

L. P. WALKER,
Secretary of War.

HEADQUARTERS,
Winchester, Va., July 17, 1861.

General S. COOPER,
Adjutant and Inspector General:

GENERAL: I have just received the letter of Lieutenant-Colonel Burton in relation to five car-loads of machinery which he says are at a point one mile west of Harper's Ferry. I respectfully report that all the valuable machinery which could be removed from Harper's Ferry has been brought to this place and delivered to the proper agent for transportation to Richmond.

Most respectfully, your obedient servant,

J. E. JOHNSTON,
Brigadier-General.

HELENA, ARK., *July 17, 1861.*

Hon. L. P. WALKER:

DEAR SIR: I wrote you a few days since for myself and many others in this district to ascertain if we could get negro regiments received for Confederate service, officered, of course, by white men. All we ask is arms, clothing, and provisions, and usual pay for officers and not one cent pay for negroes. Our negroes are too good to fight Lincoln hirelings, but as they pretend to love negroes so much we want to show them how much the true Southern cotton-patch negro loves them in return. The North cannot complain at this. They proclaim negro equality from the Senate Chamber to the pulpit, teach it in their schools, and are doing all they can to turn the slaves upon master, mistress, and children. And now, sir, if you can receive the negroes that can be raised we will soon give the Northern thieves a gorge of the negroes' love for them that will never be forgotten. As you well know, I have had long experience with negro character. I am satisfied they are easy disciplined and less trouble than whites in camp, and will fight desperately as long as they have a single white officer living. I know one man that will furnish and arm 100 of his own and his son for their captain. The sooner we bring a strong negro force against the hirelings the sooner we shall have peace, in my humble judgment. Let me hear from you.

Your old friend,

W. S. TURNER.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 17, 1861.

His Excellency A. B. MOORE,
Governor of Alabama:

SIR: This Department has received a communication from Col. W. J. Hardee, commanding at Fort Morgan, inclosing a similar communication from Lieutenant-Colonel Gardner, commanding at Fort Gaines, to the effect that the garrison at Fort Gaines will require to be

re-enforced at the earliest practicable day by at least two additional companies. In obedience, therefore, to this requisition this Department begs leave to inform you that, in addition to the previous requisitions already made upon you for two regiments and for 3,000 men, the Confederate Government will require two additional companies to be raised for the particular purpose herein expressed, and you are hereby requested to take immediate measures for calling the same into service.

Very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

[JULY 17, 1861.—For Hardee to Cooper, transmitting articles of agreement for the transfer of Arkansas Volunteers to the Confederate service, see Series I, Vol. III, p. 609.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 17, 1861.

His Excellency THOMAS O. MOORE,
New Orleans, La.:

SIR: In reply to your letter of the 6th instant I assure you no one could have had a higher appreciation of the patriotism of the people of Louisiana and of Your Excellency's promptitude in responding to the requisitions of the Government than myself, and it affords me sincere pleasure thus to express my acknowledgment of both. The requisitions referred to were made under the pressure of a great necessity, and it is very sincerely hoped that Your Excellency will not hesitate to arm all the troops if you can possibly do so. If armed, they will go into the field at once, where they are so urgently needed. If you should prefer to organize the 3,000 men into regiments heretofore called by companies it can be done, and then they will elect their own field officers. A portion at least of these troops are intended for the defense of Louisiana, and it is hoped that such arrangements will be effected that in the autumn the Government will be in possession of arms sufficient for the general defense of the country at every point. At present, however, the emergency is in Virginia, and neither Virginia nor the Confederate Government can arm the troops necessary for defense. We are menaced with greatly superior numbers, and the crisis of this campaign is upon us. It cannot possibly be necessary under such circumstances for me to attempt a stimulation of any Southern functionary by labored appeals to his patriotism to make extraordinary exertions. The occasion itself is a most extraordinary one. It is a common cause, and we have to fight a common enemy.

Very respectfully,

L. P. WALKER,
Secretary of War.

RICHMOND, *July 17, 1861.*

General D. E. TWIGGS,
New Orleans:

I understand that there are 1,000 stand of arms at La Fourche. If so, order them here.

L. P. WALKER.

JACKSON, MISS., *July 17, 1861.*

Hon. L. P. WALKER:

The two regiments at Iuka are not armed, and I have no power under our laws to arm them. Say to the President [I] have called the Legislature and will send him all the troops and arms I have power to send.

JOHN J. PETTUS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 17, 1861.

Hon. GEORGE W. MUNFORD,
Secretary of the Commonwealth of Virginia:

SIR: Your letter of July 11, communicating the reply of the Auditing Board of the State of Virginia to the requisition made by Col. Joseph Selden, superintendent of the recruiting service for the Provisional Army, in behalf of James G. Paxton, recruiting officer at Covington, Va., and asking the attention of this Department to the inquiries contained therein, has been received. Your letter is not sufficiently explicit in its details to enable this Department to make any special reply with reference to this particular case. But with regard to the general question involved, this Department begs leave to reply that the Confederate Government has no recruiting service, nor was this Department advised that any recruiting was going on in Virginia at this time, except only to fill up the Wise Legion and Floyd brigade. It is true that all the legitimate expenses attending military operations in Virginia are now chargeable to the Confederate Government, and have been so since the date indicated in your letter, and therefore, although this recruiting has not been done by order of this Department, yet if the troops so recruited have gone into the service of the Confederate Government, it would be right for that Government to pay such charges as are just and proper. It is proper to add, however, that the Government of the Confederate States is relying upon the volunteer forces, and not upon the recruiting service, for its troops, and the recruiting department should therefore be at once discontinued by the authorities of Virginia, unless actually in successful operation.

I have the honor to be, sir, very respectfully,

L. P. WALKER,
Secretary of War.

PRESIDENT'S OFFICE,
RICHMOND, FREDERICKSBURG AND POTOMAC R. R. CO.,
Richmond, July 17, 1861.

His Excellency JEFFERSON DAVIS,
President of the Confederate States:

DEAR SIR: Since my interviews with you of Saturday and Sunday evenings, desiring to leave nothing undone in my power which can promote your efforts for the public defense, I have had made by the city engineer of Richmond, who is also a skillful and experienced railroad engineer, surveys and estimates both of the time and expense required to construct merely temporary connections for military purposes only between the railroads running north and south and terminating in Richmond and Petersburg. Those estimates I herein

inclose to you.* For the estimate of time given by him some days less than a week must be added for preparations and gathering the requisite materials and force of men. The connections so constructed would not be adapted to the transportation over them of loaded trains, or even of unloaded ones, consisting of more than one or two cars (at least in Richmond, where in frosty weather it might be at times wholly impracticable), and for this reason, as well as because of the haste and want of permanence in their construction, and because they would not relieve the companies of the expense of omnibus and wagon transportation through the cities, these connections would be of no value to the roads connected, and would have to be constructed at the expense of the Confederate Government—an expense which, however, might be lessened, when these connections shall cease to be needed by the Government, by the value of the materials used, which the companies connected would doubtless buy at an assessed value. These connections, however, even constructed in the way proposed in the accompanying estimates, will suffice for the transfer of the cars and machinery by horse power from any of the Southern railroads from which they can be spared to the railroads north of Richmond leading to Strasburg, Manassas Junction, or Aquia Creek. Even engines may, perhaps, at times be carried over them either alone or with one car, and loaded cars may be brought over them by horses. Should you deem this work of sufficient importance to justify the comparatively moderate expense (which would probably little exceed the expense of wagon transportation through these two cities, otherwise to be incurred), I know of no one who, from his character, energy, skill, and experience, would more promptly and satisfactorily have the work done than Mr. Washington Gill, the engineer of this city, by whom the surveys and estimates have been made. His position gives him special facilities for engaging men and materials, although a detail of men from the Army might much expedite the work. Any further information you may desire touching this matter (in which I have no interest except as a citizen) it will give me pleasure to give you.

With high respect and regard, your friend and obedient servant,

P. V. DANIEL, JR.

P. S.—I omitted to say that the ordinance of the State convention gives full power to construct this work to the Confederate States, irrespective of the consent of the cities.

RICHMOND, *July 17, 1861.*

Hon. L. P. WALKER,
Secretary of War:

SIR: I am here as one of a committee appointed by the Board of Directors of the Petersburg Railroad Company to confer with the Government in relation to the construction of a railroad connecting the Petersburg Railroad and the Richmond and Petersburg Railroad for military purposes. You are doubtless aware that the convention of Virginia at its last session adopted an ordinance giving authority to those companies to connect their roads through the city of Petersburg, and providing that if they wished to take immediate steps for doing so the Government of the Confederate States should have

* Not found.

authority to make the connection, to continue during the war. If the connection is to be used for military purposes only, and to be removed after the close of the present war, it would not be to the interest of the railroad companies, or either of them, to make it on their own account, while they could well afford to do so if it could be used permanently and for general purposes. By the general railroad law of the State no railroad track can be laid down in the street of any city without the consent of its corporate authorities. The general terms of the ordinance of the convention may have been, and probably were, designed to dispense with this provision of the general law; but for reasons which I need not suggest in detail some doubt is entertained whether such is its effect. A doubt on this subject would make it proper that the company should consult the corporate authorities of the city before undertaking to lay down a track through its streets. There are other considerations also which seemed to the Board of Directors of the Petersburg Railroad Company to make it proper for them to consult the corporate authorities. In the first place, the city of Petersburg is the owner of nearly one-half of the stock of the company. In the next place, it was well known that a great repugnance is felt by the citizens of Petersburg to any connection between the roads in question by means of which produce and merchandise would pass through Petersburg to and from Richmond. This was tested some years ago by a popular vote. It was believed by the Board that no permission could be obtained to lay down a road for general purposes and as a permanent connection, and it was thought very doubtful whether even a temporary connection would be allowed for general purposes. I mention these things to explain why the company cannot build the road in question on their own account. The Board of Directors, however, have every disposition to give their aid to the Government in providing a military road. They are willing to construct such a road for the Government and to receive payment of its actual cost in the 8 per cent. bonds of the Government at par, with the privilege of transporting their passengers and mails only (not freight) over the connection. These suggestions will indicate the general views of the Board, but the committee now here are authorized to negotiate and settle the terms in detail. These could be better discussed and arranged in a personal interview. As the committee would be glad to leave the city by 3 o'clock, it would oblige them if you could give this subject your early attention.

I have the honor to be, your most obedient servant,

WM. T. JOYNES.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 18, 1861.

Capt. CALEB HUSE and
Maj. EDWARD C. ANDERSON,
London:

GENTLEMEN: This Department has received a communication from Mr. F. H. Hatch, collector for the port of New Orleans, inclosing report of Capt. H. L. Hanley, commanding the expedition sent in search of the ship Windsor Forest, with regard to the voyage made in prosecution of this search. In view of the difficulties and possible dangers attending the execution of the important commission with which you have been intrusted by this Government, it is thought proper to transmit to you an extract from this report and to ask your particular

attention to the subject. In forming your conclusion, however, the Department expects that you will be guided by that discretion with which you have been heretofore intrusted and by a constant regard to the supreme importance of your success in this perilous undertaking. The extract referred to is as follows:

NEW ORLEANS, *July 9, 1861.*

F. H. HATCH, Esq.,
Collector:

SIR: On the 1st day of June the schooner Wm. R. King, having had her name altered to that of Adela, started from Berwick Bay at 6 a. m. At 2 o'clock she got to sea, and having a southeast wind we steered south by west, laying as near to the wind as possible to make good headway. * * * On the 9th we were on the coast of Yucatan, and were unable to double the Cape of San Antonio before the 15th instant, on account of head winds and currents. After doubling this cape our vessel lay east-southeast and from fifteen to forty-five miles from it. During this time we were entirely within the line of vessels, and met twenty-one merchant vessels in daylight, but no government cruisers of any nation. * * * On that day (June 24) we left the cape for Berwick Bay, where we arrived on the 31st of June, having been becalmed two days near the coast of Louisiana. * * * On our outward voyage we saw but one vessel before reaching the coast of Yucatan, and returning we saw but one till we reached the coast of Louisiana. These vessels crossed our path and were apparently bound from Havana to Vera Cruz. I am confident that any quantity of arms could be safely introduced into Louisiana over this course in a small, light-draft steamer with very little danger. There are numerous deep bayous along this coast, protected by bars having a depth from six to seven feet, and from which arms could be conveyed with facility by the Opelousas Railroad, Bayou La Fourche, and Barataria and La Fourche Canal to New Orleans.

* * * * * * *

Commending this whole subject to your joint attention, and fully confiding in your discretion, fidelity, and dispatch,

I remain, gentlemen, very respectfully,

L. P. WALKER,
Secretary of War.

COLUMBIA, S. C., *July 18, 1861.*

Hon. Mr. WALKER,
Secretary of War:

The President already telegraphed me to take the cavalry. I sent yesterday a regiment of 876 men, well armed, to you, and to-day another of 916, all armed and ready. Colonel Orr's will be ready in ten days; they are in camp. To-morrow this will be, with Hampton's, ten regiments, all armed, and Gregg's will be eleven.

F. W. PICKENS.

EXECUTIVE DEPARTMENT,
Richmond, July 18, 1861.

Hon. L. P. WALKER,
Secretary of War of the Confederate States:

SIR: Your letter of the 17th instant has been received. I am instructed by the Governor to say he is happy to be informed by you that all the legitimate expenses attending military operations in Virginia are now chargeable to the Confederate Government, and have been so since the date indicated in my letter, that date being the time of the transfer of all the forces of the State by the Governor to the Confederate States, to wit, the 8th of June. The Governor is gratified also to learn from your letter that although this recruiting has

not been done by order of this department, yet if the troops so recruited have gone into the service of the Confederate Government it would be right for that Government to pay such charges as are just and proper. More could not be asked. With regard to the particular requisition referred to in my letter, it was brought to your notice simply to obtain a recognition of the principle that after the 1st of July Virginia is not to pay for forces or recruiting which had been previously transferred to the Confederate States by proclamation of the Governor. There is but one other remark in your letter which perhaps requires explanation. You state that—

> It is proper to add, however, that the Government of the Confederate States is relying upon the volunteer forces, and not upon the recruiting service, for its troops, and the recruiting department should therefore be at once discontinued by the authorities of Virginia, unless actually in successful operation.

To this I beg leave to say that in the proclamation of the Governor, by which all the forces of Virginia were transferred to the Confederate States, the Governor expressly ordered all the provisional army of Virginia to respect and obey all lawful orders emanating from the President or those commanding under his authority, and that the same may be incorporated in whole or in part into the Provisional Army of the Confederate States at the pleasure of the President. After this proclamation it was supposed that the officers of Virginia who were recruiting for the provisional army were under orders of the President, and that the recruiting service had been discontinued, and it was believed that Col. Joseph Selden, the officer through whom the requisition for funds had been made, and who was the superintendent of this service, was recognized and was acting under orders from the War Department. Hence the reference to him to know why it was that Virginia should pay for recruiting up to the 6th day of August next.

Very respectfully,

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

EXECUTIVE DEPARTMENT,
Richmond, July 18, 1861.

Hon. L. P. WALKER,
Secretary of War of the Confederate States:

SIR: Your letter of the 16th instant has been received. In it you say that "Major Gorgas has been directed to receipt for the transfers to be made, and this Department will not object to the arrangements suggested by you as having been proposed by Governor Letcher and approved by the President." I regret that your letter should require me again to trouble you with a reply. The importance of the subject, in the opinion of the Governor, requires a further explanation. I stated in my former communication that I had informed His Excellency the President that I was ready to transfer the machinery and stores taken by the State of Virginia at Harper's Ferry when an officer should be detailed by his orders, in conjunction with the colonel of ordnance of Virginia, to take an inventory of the same, as required by ordinance of our convention. Being informed by you that Major Gorgas is the officer detailed, no difficulty can arise upon that subject. I stated further that the President had been informed that the Governor believed that it was the design of the State convention that the

machinery or a part of it should be put up in the State armory in Richmond, and I quoted the resolution of the convention, by which it appeared that the use of the armory was tendered to the President for operating said machinery, showing that it was desired that the armory should be kept up as an institution for this purpose.

This was stated, too, for another purpose. If the tender of the armory was accepted for the purpose indicated, there were operations going on therein for which other arrangements would be required. I stated the division of the operations of the ordnance department between Major Gorgas and Colonel Dimmock, and informed you that Colonel Dimmock was causing the manufacture of gun carriages, caissons, and accouterments belonging to artillery, and also had the direction of the issue of artillery and arms. I had also stated that at this time he had orders from General Lee to furnish equipments for field artillery not yet completed. In view of the supposed transfer of the armory for operating the machinery, I desired to know whether the previous arrangement was expected to be continued. Your reply is that your Department will not object to the arrangement suggested by me as having been proposed by Governor Letcher and approved by the President. It is very plain that Virginia may go on in her own building with her own officer, at her own expense, to construct gun carriages and other artillery equipments and issue her own guns. But the question was whether this arrangement is to be continued and the State officers and property to be transferred as proposed to the Confederate States, and thereafter the State of Virginia to be no longer responsible for the liabilities incurred for the manufacture of these articles; and whether it was expected that her officers were to fulfill requisitions made upon them at her expense, and they to be paid out of her treasury, or whether these things were to be continued at the cost of the Confederate States; whether the armory was to be taken for the use of the Confederate States for operating the Harper's Ferry machinery. By request of the Governor I beg leave again most respectfully to call your attention to this subject and to request an answer, that no cause for misunderstanding should be allowed to exist, especially as the Auditing Board of the State are constantly called on to pay the expenses incurred under Colonel Dimmock's branch of the ordnance service.

Very respectfully,

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

RICHMOND, *July 18, 1861.*

Hon. L. P. WALKER,
Secretary of War, Confederate States:

SIR: In accordance with your suggestion I submit the following as the list of machines which I hope to obtain for the purposes set forth in a letter from the Governor of the State of Tennessee to His Excellency President Davis: One trip-hammer, with such special tools for welding gun-barrels as are at hand; 2 small planers; 1 screw machine; 1 cone machine; 2 small lathes; 1 propelling machine; 2 drilling machines, with 3 or 4 spindles each; 8 milling machines; 1 rifling machine; 1 nut-boring machine; 1 smooth-boring machine; 1 barrel-turning lathe; 1 punching press; 1 horizontal milling machine for ramrods, &c.; 1 old breech screw-cutting machine; 1 old index machine.

It is the loan of these tools only which is asked for, the value of which may be fairly estimated at from $8,000 to $10,000. There are several good reasons why the request should be granted, and one of them is, that under the representations of General Polk that it would be done the State of Tennessee has purchased buildings and grounds for an armory. Another is that at Nashville workmen from Louisville and Saint Louis are easily obtained to duplicate them and make more of the same kind. Still another reason is that the State has purchased large supplies of war material, and the Confederate Government has not only already availed itself of a part of this in the form of percussion-caps, but will want large supplies of powder from her mills.

All of which is respectfully submitted for your consideration.

I am, sir, your obedient servant,

GEO. W. MORSE,
Superintendent Tennessee Armory.

HEADQUARTERS STATE OF SOUTH CAROLINA,
July 19, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I have just received yours dated the 15th instant, and hasten to say that I have selected for the two encampments Lightwood Knot Springs, near Columbia, and the other at or near Aiken, both on railroads and perfectly healthy, and suited for the convenience of moving to any point desired at the earliest notice. Your authority as to electing field officers will insure success in raising the troops. If you will allow me, I can order a large supply of the best tents made here of heavy drill at $12 each, with poles and all complete. I can have them made by a Frenchman, in the best style. I have had a great many made here, some of them inferior, but they were of light material and cheap, only $10; but this is of superior material, suited for winter tents; and I have a Frenchman who makes knapsacks, with straps, all furnished well, for $2, buckle and all. They are cut after the French fashion, which make a dry covering to damp ground to protect the soldier at night to sleep on.

I have the honor to be, very respectfully, your obedient servant,

F. W. PICKENS,
Governor.

RICHMOND, *July 19, 1861.*

Governor J. E. BROWN,
Atlanta, Ga.:

Do you not intend to let us have your saltpeter and sulphur?

L. P. WALKER.

ATLANTA, GA., *July 20, 1861.*

JEFFERSON DAVIS,
President, &c.:

I have offered all the saltpeter and sulphur and the steamer Huntress to the Secretary of War, together, at original cost to the State in cash. If he accepts my proposition I will order it shipped to you direct.

J. E. BROWN.

EXECUTIVE DEPARTMENT,
Atlanta, Ga., July 20, 1861.

Hon. L. P. WALKER,
Secretary of War, Richmond, Va.:

SIR: I have the honor to acknowledge the receipt of your letter of the 13th, in which you say your attention has been called to a paragraph cut from one of the Georgia papers animadverting upon an article which had previously appeared in a Richmond paper. I beg leave simply to say that I never till I read your letter had the least knowledge of the extract referred to, or of the article in the Richmond paper giving rise to it.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 20, 1861.

Col. B. W. BLAKEWOOD,
Spotswood Hotel, Richmond, Va.:

SIR: In reply to your letter of the 13th instant I am directed by the Secretary of War to say that a regiment armed and equipped would be accepted, electing its own field officers. But no pledge can be given of the service it will be required to perform or of its field of operations.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

WAR DEPARTMENT,
Richmond, July 20, 1861.

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: A communication bearing date of July 18 has been received by this Department from the Secretary of the Commonwealth of Virginia, recalling the attention of the Department to a previous communication relating to the transfer to this Government of the machinery and stores taken by the State of Virginia at Harper's Ferry and to the operatives of this machinery in the armory of Virginia in Richmond, and asking a more explicit reply to the inquiries therein contained. It is stated in this communication that "Colonel Dimmock was (is) causing the manufacture of gun carriages, caissons, and accouterments belonging to artillery" at this armory, and further, "that he (Colonel Dimmock) had orders from General Lee to furnish equipments for field artillery not yet completed." And the question proposed is "whether this arrangement is to be continued and the State officers and property to be transferred, as proposed, to the Confederate States, and thereafter the State of Virginia to be no longer responsible for the liabilities incurred for the manufacture of these articles; and whether it was expected that her officers were to fulfill requisitions made upon them at her expense and they to be paid out of her treasury, or whether these things were to be continued at the cost of the Confederate States; whether the armory was to be taken for the use of the Confederate States for operating the Harper's Ferry machinery?" And you further direct attention in this connection to "the division of the operations of the Ordnance Department between Major Gorgas and Colonel Dimmock."

Your Excellency cannot fail to perceive that the question here proposed for the decision of this Department is of a peculiar and exceptional nature. The Department of War has control only over its own agents and officers, and is responsible only for such operations as are instituted and conducted under its own authority and direction. The powers of the Department are delegated, defined, and limited by law, and the Secretary of War has no authority under the law to enlarge or transgress those powers. The Department of War, therefore, has no authority over the officers of the State of Virginia, and is not responsible for any of the operations conducted by them as such; nor could this Department delegate to any authority, however respectable or however trustworthy—and none could be more so, in the estimation of this Department, than the State government of Virginia—the right to make contracts and authorize operations binding this Government while this Department itself should have no control over the officers themselves or the operations so conducted by them.

Peculiar exigencies, however, and the perfect mutual understanding and consent of the parties concerned may sometimes justify a more liberal construction of the terms of a contract; and the case here presented this Department is willing to consider as of this exceptional nature. Entertaining a perfect confidence in the authorities of the State of Virginia in the administration of the operations in question, and desiring to cultivate a spirit of the most perfect harmony and mutual understanding between the government of Virginia and the Confederate Government, this Department will take the responsibility of saying that the Confederate Government will assume the liability for all operations which were in progress at the time this transfer was made or which, being then under contract, are not yet completed, and desires that these operations may be completed by the officers previously charged with them, being well assured that the authorities of Virginia will issue no work not worthy of acceptance and allow no accounts except such as ought to be paid. The compensation of the officers and workmen employed, and all other expenses properly incidental to the operations in question, will of course be included in this liability. Beyond this, however, the Department does not feel authorized to enter into any permanent obligations with the State of Virginia with regard to any future operations not under the immediate authority and control of the Department itself.

With regard to the question, finally, "whether the armory was (is) to be taken for the use of the Confederate States for operating the Harper's Ferry machinery"—that is, if so understood, whether this machinery shall be permanently operated in the armory at Richmond—this Department does not at present feel able to reply. The chances of war are variable and uncertain, and while this Department entertains a full confidence in the safety of these works at Richmond, yet there may arise contingencies under which prudence might require the transfer of the Confederate armory to some other point more remote than Richmond from the seat of war. Until that necessity shall arise, however, it is the present intention of this Department to continue the operation of this machinery in the armory at Richmond, and under all circumstances, so long as possible, to continue the use of the armory for the objects to which it has been devoted in the service of the Confederate States.

Very respectfully,

L. P. WALKER,
Secretary of War.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., July 21, 1861.

Hon. L. P. WALKER,
Secretary of War, Richmond:

Your communication, under date of the 17th instant, requesting for the re-enforcement of Fort Gaines two companies in addition to the troops called for under the late requisition, has been received. I herewith inclose a copy of a communication received by me on the 23d ultimo, under which three companies were raised and reported by my order to the commandant of Fort Morgan, where I learn they were mustered into the service of the Confederacy. Am I to understand that in addition to these three companies two more are required? If so, please advise me by telegraph. I am gratified to have it in my power to inform your Department that under the last requisition I have accepted twenty companies from South and Middle Alabama, and shall locate the camp for these companies at Auburn, Macon County. The requisition for the 3,000 will be filled in a few days by companies from North Alabama, and their camp will be located in that section of the State and designated by the 25th instant. I have also, contrary to my expectation, succeeded in arming the two regiments, which will be organized and accepted during the present week. The two mounted companies have been accepted, and will probably take up the line of march for Corinth in a few days. These companies have been delayed by the difficulty which exists in procuring tents, and the same cause, unless obviated, will materially delay the encampment of the 3,000 troops, and I fear they may be to some extent demoralized by being kept, after being accepted, without marching orders, as my experience has demonstrated that the sooner after acceptance that companies are mustered and go into actual service the better. Until this is done there is great difficulty in keeping them. The 3,000 troops will require at least 600 ordinary tents, and from information derived from the Confederate quartermaster at this place, Major Calhoun, I learn that it will be some weeks before they can be provided with even a small portion of the number required; that the cloth, so far as he knows, has not even been contracted for. I would beg leave to bring to your notice that there are three factories within twenty-five miles of this place which can turn out 5,000 yards a day of tent cloth of an excellent material. These factories are at Tallassee, Autaugaville, and Prattville.

I have the honor to be, very respectfully, your obedient servant,
A. B. MOORE.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 22, 1861.

Capt. CALEB HUSE and
Maj. EDWARD C. ANDERSON,
London:

GENTLEMEN: A complete and brilliant victory has crowned our arms. A battle was fought yesterday near Manassas, Va., in which the enemy was routed at every point and driven in confusion from the field. The consequences of this victory are incalculable; but the just exultation inspired by this success should only redouble our energies and our efforts for the future. This war is now assuming truly gigantic proportions. The Government of the United States is straining every nerve, and the Congress has been outstripped by the

demands of the Executive in the preparations which it has set on foot. These preparations the Confederate Government is determined to meet by equal preparations, and at whatever cost to stand ready to prosecute to a successful end the war that has been thus wickedly forced upon us. In view of the magnitude of this struggle and of the pressing exigencies which surround us, this Department deems it necessary to enlarge your powers and to press upon you with more earnestness than ever the necessity of procuring at once and by every means within your reach a supply of arms and munitions of war for the Confederate Government. You are therefore hereby instructed to increase your exertions and enlarge your operations for this object to the utmost extent of your power. To this end you are authorized to depart, at your discretion, from the terms of your original instructions. You will purchase at the earliest possible moment all the arms suitable for our purposes which can be obtained, from whatever places and at whatever price; and if a sufficient quantity of arms cannot be purchased at once, you are authorized to enter into contracts at your discretion with manufacturers and to spare no expense or risk which may be necessary to secure the largest quantity of arms, of the best quality, at the earliest possible moment, sufficient to arm, if need be, not less than 500 regiments. To this end increased sums of money, to whatever amount may be necessary, will be placed at your disposal.

You are furthermore authorized and instructed to make purchases of powder in large quantities of the best qualities that can be obtained, both cannon-powder and musket and rifle powder, and to prepare the same for immediate shipment. This Department would again call your attention to its late letter of July 18, inclosing extracts from a communication from F. H. Hatch, the collector at New Orleans. To insure its reaching you a copy of this extract is again here inclosed.* But in view of the peculiar difficulties attending your shipments to America, the Department would ask your attention to another scheme for effecting this object. The Secretary of the Navy has placed at the disposal of this Department the armed vessel the McRae. This vessel will proceed at once to England to co-operate with you. A duplicate of this letter will be forwarded by her. It is suggested that if a number of smaller vessels could be secured under British colors and with British clearances and laden with our arms the McRae could convoy and protect them upon their voyage. These vessels might make the port of Nassau, New Providence, or some other port equally favorably situated. There they might clear with probable safety for the coast of Honduras or of Yucatan, and enter upon the coast either of Florida or Louisiana.

This scheme is submitted to your consideration, and you will decide, among such as have been presented or may have occurred to you, according to the best information you can obtain. More than one route might perhaps with advantage be attempted simultaneously. To meet this contingency or any other which may possibly arise an additional naval officer will be sent over in the McRae, who will either co-operate in the return voyage or, if deemed necessary, remain behind to take charge of any subsequent shipment.

Pressing once more the supreme importance of this subject upon your earnest attention and confiding in your unremitting efforts,

I am, very respectfully,

L. P. WALKER,
Secretary of War.

*See p. 487.

RICHMOND, *July 22, 1861.*

Governor A. B. MOORE,
Montgomery, Ala.:

At what points have you located the camps of instruction? Do hurry up your two regiments.

L. P. WALKER.

MONTGOMERY, *July 22, 1861.*

L. P. WALKER:

Camps of instruction—one for ten companies at Huntsville, the other for twenty at Auburn, Macon County. Wood's regiment, at Tuscumbia, and Cantey's regiment, in Russell County, will be organized, armed, and ready to be mustered into service in a very few days. Shall I give them marching orders, and to what point?*

A. B. MOORE.

NEW ORLEANS, *July 23, 1861.*

L. P. WALKER,
Secretary of War, Richmond, Va.:

SIR: I am constantly in receipt of communications from members of several of our regiments complaining of the want of clothing, shoes, &c. Have just been informed that the Third Regiment Louisiana Volunteers, that was at Fort Smith, are without shoes, or at least a large number of them, and without means of purchasing. Will you be good enough to inform me in what manner and at what time our troops are to be supplied with those necessaries by the Confederate Government.

Very respectfully, your obedient servant,

THO. O. MOORE.

HDQRS. LOUISIANA MILITIA, ADJUTANT-GENERAL'S OFFICE,
New Orleans, July 23, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I am instructed by Governor Moore to inform you that the Eleventh Regiment is now being organized, and in a few days will be ready to be mustered into the service of the Confederate States. The Governor wishes to inform you further that this regiment will not be composed entirely of companies for the war, for this reason: There are three companies now in camp mustered in for the twelve months. They reached here too late to be placed into the twelve-months' regiments, and there are others that have been organizing in the country for some time past and may reach Camp Moore before the regiment be fully organized. To have disbanded them and sent them back to their homes would have created considerable dissatisfaction and perhaps disaffection. These companies are composed of a fine body of men, who have left their homes and families for the purpose of engaging in this war; besides which, men are getting scarce, and considerable difficulty to procure them for the war. The Governor, therefore, thought it best to place them in the Eleventh Regiment, with companies

* See Walker to Moore, July 25, 1861, Series I, Vol. LI, Part II, p. 197, ordering these regiments to Richmond.

for the war, hoping it would meet with your approbation. I am further directed to say that immediately after the Eleventh Regiment shall have been organized he will proceed to organize companies under the last requisition made for 3,000 men, and he will from time to time keep you advised of the progress.

I remain, with respect, your obedient servant,

M. GRIVOT,

Adjutant and Inspector General, Louisiana.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,

Richmond, July 24, 1861.

To the PRESIDENT:

SIR: I herewith transmit estimates from the Quartermaster's Department, marked A; from the Commissary Department, marked B; from the Bureau of Ordnance, including Engineering, marked C and D, and from the Medical Department, marked E.* The estimates from the Quartermaster's Department are made from the 18th of July, 1861, to the 18th of February, 1862, and those from the Commissary and Medical Departments from August 1, 1861, to February 18, 1862, and are in addition to the appropriations heretofore made by Congress. These estimates are for 400 regiments over and above the 100 regiments for which appropriations were made by Congress at its session in May last, or for a force of 500 regiments. We have already in the field 190 regiments and 34 battalions, besides many independent companies, accepted and ready for service. This enumeration does not embrace two regiments recently called for from each of the following States, to wit: Mississippi, Alabama, South Carolina, Texas, Arkansas, and Tennessee; nor does it include the reserve corps of 30,000 troops for which requisition has been made, and of which many are now in camp of instruction, ready for action as soon as they can be supplied with arms. Here lies the great difficulty—the want of arms for our troops. Every possible effort, as you are aware, has been made to procure them. It may not be improper in this connection to state briefly, for the information of Congress, what this Department has done to accomplish this object. It has outstanding contracts with citizens of this Government for the manufacture of 61,200 stand of small-arms, and orders have been sent abroad for 200,000 more, with skillful ordnance officers to see them properly executed. Agents have also been sent to Cuba and Mexico to purchase arms. Thus the contracts and outstanding orders for the purchase and manufacture of arms (not embracing the orders sent to Cuba and Mexico) are for 261,000 stand of the best quality, with corresponding accouterments and equipments.

Besides these contracts and orders agents have been sent into all the States of the Confederacy, not only to purchase arms, but to encourage by liberal orders their manufacture by all persons who could make them, whether in small or large quantities; and to induce our people to bring into the service of the Government whatever arms they might have the Department has proposed to pay for them upon assessments of value to be made by officers of the Government. The armories at Richmond and Fayetteville will soon be in a condition to manufacture muskets and rifles on a large scale, which will complete the arrangements of the Department for the supply of small-arms.

*All estimates omitted.

In like manner every effort has been made, both at home and abroad, to procure an ample supply of powder. Large purchases have been ordered from abroad and strenuous exertions put forth to have it manufactured at home. For this purpose the Government has secured a large quantity of sulphur and made contracts for the delivery of a proportionate quantity of saltpeter. The erection of powder mills has been encouraged by liberal contracts, and the Department does not doubt that the necessities of the service will in due time be amply provided with this munition of war. The deliveries from abroad will of course depend upon the contingencies of the blockade, but the hope is entertained that the arrangements effected by the Department are such as to elude the vigilance of the enemy. The outstanding orders for artillery embrace 15 15-inch columbiads, 220 10-inch columbiads, 340 8-inch columbiads, 70 8-inch siege howitzers, 158 3-inch rifle guns, 24 12-pounder howitzers, 40 24-pounder howitzers, 20 10-inch howitzers, 80 42-pounder siege guns, 100 32-pounder siege guns, and field batteries to the extent of our necessities.

By an act of the last Congress you are authorized to raise troops for the war. It is with mingled feelings of pleasure and regret that this Department mentions the fact that many more have come forward to volunteer for the war than it was possible for the Government to arm—with a feeling of pleasure, because this fact illustrates the heroic and self-sacrificing patriotism of our people; with a feeling of regret, because so many brave soldiers have been necessarily excluded from the service of their country.

From the applications on file in this office there can be no doubt that if arms were only furnished no less than 200,000 additional volunteers for the war would be found in our ranks in less than two months. As the Government has not been able to arm all volunteers for the war, it has of course declined to arm those who have tendered their services for twelve months only. Hence it has only accepted such companies or regiments for twelve months as could come into its service already armed and equipped. Others have been rejected, not only by the will of the Department, but by the stern necessities of the case. With your approval, it has been the policy of the Department, under the law of Congress which gave you the privilege of accepting men for the war or for twelve months, to arm first those who offered for the war. The reason of this policy is obvious. As the enemy calls out men for three years, it is on many accounts highly desirable that we should not accept them for a shorter period. It might cover our arms with incalculable disaster and overwhelm our people with untold calamities if our defensive forces were not as permanent as those of the invading foe. But while this has been the general policy of the Department, exceptions have been gladly made in favor of those who with arms in their hands have tendered their services for twelve months.

The law of the last Congress does not leave the question of how our troops are to be clothed altogether free from doubt. By a law of the previous Congress commutation was allowed in lieu of clothing, and by the law first referred to this commutation was fixed at $42 per annum; but it has also provided that clothing might be supplied to the troops by the Government if they chose to take what the Government might be able to furnish. This is the construction placed upon the acts referred to by the Attorney-General, whose opinion was solicited by me for the guidance of this Department. It was believed that it would be impossible for the troops to furnish themselves, and that

it would be inhuman in the Government to pretermit this question to be determined only by the actualities of experience. This conclusion having been arrived at after giving to the question all the consideration which its importance demanded, the Quartermaster's Department has been directed to provide clothing for the Army, feeling satisfied as I do that no army should be left to the hazards of chance or the possibilities of individual supply for either raiment or food.

Very respectfully,

L. P. WALKER,
Secretary of War.

HAVANA, *July 24, 1861.*

The Honorable President of the Confederate States of America the Hon. JEFFERSON DAVIS and the MEMBERS OF HIS RESPECTIVE CABINET:

In compliance with the terms of a contract made and entered into on May 18, 1861, in Montgomery, Ala., we left New Orleans on the 4th of June following for Vera Cruz, Mexico, to take either the Spanish or English steamer for the port of Havana. Upon our arrival in Vera Cruz we found the steamers under their summer arrangements, and were compelled to remain there until the 2d of July, when we took the British steamer Clyde for the port of Havana, where we arrived on the 6th of July. During our stay in Vera Cruz we ascertained some 2,000 stand of arms could be procured there. Through our friend, Mr. Charles Fuentes, of the mercantile firm of Messrs. Fuentes, Carran & Co., we procured samples thereof, which were shown to Col. Theo. Lewis, your confidential agent on our mission, and approved of by him, both in quality and price. The owner of the arms resided in Mexico, and in order to effect a purchase thereof an offer had to be submitted to him, which was done by an express on the condition that an answer was to be received by the 1st of July. Fully understanding Col. Theo. Lewis to approve the arms and price, we made a direct offer of $17 for the lot—1,000 smooth-bore muskets and 1,018 rifled muskets—and had an answer been received by the time named a purchase of the above-named quantity would have been made. So sanguine were we of getting them we made arrangements with Captain Peterson, of the schooner Zora Colorado, for the safe arrival and delivery of the same within the limits of the Southern Confederacy for and in consideration of $1,500. Owing to heavy and almost unprecedented rains the express was prevented from returning in time, in consequence of which we were unable to get the arms at that point for shipment. Subsequent to the whole of this Col. Theo. Lewis informed us in examining the arms and naming the price ($17) he did so with a view of only ascertaining how low they could be had and not to pay for the same. After Col. Theo. Lewis had accepted the arms, both in price and quality, we made a direct and positive offer of $17 for the same, and in so good faith was the offer made by us and our friend, Mr. Fuentes, that we each and all considered ourselves bound to the house for the amount of the purchase money, and should certainly insisted on having the amount paid then and there. And to more fully set forth our position in Vera Cruz we beg leave to inform you when it was anticipated that the arms could not be shipped prior to the 2d of July, Col. Theo. Lewis required of Mr. Fuentes security for the faithful shipment of the same, as we had

agreed upon for the shipment, to the amount of $60,000, which was proffered in the person of Mr. Natalie Ulibarri, of the highly respectable and wealthy firm of Muriel, Ulibarri & Co., of Vera Cruz and Mexico, and accepted of by Col. Theo. Lewis by his readily or willingly assenting thereto.

In relation to our mission while in Vera Cruz we had every assurance of sympathy for the success of our Confederacy and its permanent establishment as a nation that could be given by the officials thereof. And we were further assured that the Governor of the State of Vera Cruz had been instructed by the President of the Mexican Republic to receive and recognize as consul such person as they, the Confederate States, should appoint. Not only were those good feelings manifested by the authorities of Vera Cruz for us and our cause, but they seemed to be the unanimous sentiments of a truly sympathizing community. On the afternoon of July 2 we left Vera Cruz for this port (Havana) and arrived here safely on the 6th. Immediately after procuring quarters we called on our friend, Mr. H. Lavedan, made known our mission, and desired samples of such things as we desired.

On Monday, the 8th, samples of muskets, rifles, and sabers were shown, but at such prices that we immediately protested against the same. He (Mr. Lavedan) assured us it was a matter he had not the exclusive control of, but would consult the parties interested and get the lowest price they could be had for.

On the 11th we were informed the muskets could be had for $13 each, rifles with bayonets at $26, powder at $7 per keg, lead at 9 cents per pound, percussion-caps $6 per thousand, which prices Col. Theo. Lewis thought too exorbitant, and said the necessities of our country did not warrant him in paying any such prices for the articles, and he could not in conscience do so with the letter of instructions he had. We then consulted Mr. H. Lavedan and made known to him and two of the officials of authority at this place Col. Theo. Lewis' views and ideas of the prices named and the prices he would pay for the same, which, in our humble opinion, were so supremely ridiculous and penurious that our intercourse was cut off on the subject, our friends and officials declining to negotiate further.

During the time that elapsed in the foregoing negotiations we were making every exertion in our power to procure a suitable conveyance for what we thought we might want to ship. We could find no one who would take the risk unless the freight money was deposited here (in Havana) to be paid on a receipt duly certified that the goods were landed "within the limits of the Confederacy." On this point we could do nothing without Col. Theo. Lewis consented to pay the same or left the amount on deposit. We made known to Col. Theo. Lewis the terms and condition upon which we could "ship with secrecy" the arms and ammunition. He peremptorily refused to make any such deposit, saying that he had no instruction to do so. At this point we found a stumbling-block which had to be surmounted, and desired to know of Col. Theo. Lewis what his instructions were. On the 15th of July he read his instructions to us, from which we found he was instructed to use his judgment in selecting such articles as were needed, a list of which he had, and which he insisted had to be purchased for and with the credit of $200,000 he had. We made a brief mental calculation of the peace value of his list, and readily saw that it would exceed the amount of his credit near 100 per cent., and we so stated to him, and used our best persuasive powers to make him see that he was

putting a false construction thereon. Whether we succeeded or not we cannot say. We, however, let two days pass over without consulting him in relation to anything.

In the meantime we learned through another channel that large quantities of ammunition were here and could be had, the first item of which was 6,000 or 8,000 kegs cannon and rifle powder. We almost immediately called upon Colonel Lewis and made known to him the fact; told him the price would not exceed $7 per keg, and desired to know if it would be paid for and freight advanced or deposited for same. In regard to the purchase he gave us no definite assurances. In regard to the freight he positively declined to make any deposit. Seeing the utter impossibility of our doing anything without first getting his consent, we demanded to know if in case prices could be agreed upon which he would consent to pay, together with freight and fee money, if he would buy, as we very positively informed him unless prices could be agreed upon our mission must end. We desire you to particularly understand us that all those conditions were made contingent upon his approval of the articles of war and ammunition, he having in every instance the power and privilege to reject anything he thought not worthy. He desired a list of goods and their prices, which we gave to him on the eve of Friday, July 19, in the following communication, which is a true copy of the original:

HAVANA, *July 19, 1861.*

Col. THEO. LEWIS,
Confidential Agent of Confederate States of America:

SIR: It is in our power to procure, in accordance with our contract of May 18, 1861, with Maj. J. Gorgas, for and in behalf of the Confederate States, at the request of the Hon. Jefferson Davis, President thereof, viz, 6,500 infantry muskets, Spanish pattern, at $13 each; 500 minie rifles, with bayonets, at $26 each; 500 sabers (cavalry), complete, at $12 each; 500 sabers (cavalry), without belt, at $10.50 each; 5,000 kegs cannon-powder, 25 pounds each, at $6.50 each; 2,000 kegs HFg rifle-powder, 25 pounds each, at $6.50 each; 50,000 pounds lead, at 9 cents per pound; 10,000,000 percussion-caps, at $5 per thousand; 500 artillery muskets, with bayonets, at $12 each; 1,000 cavalry sabers, without belts, at $8 each; 500 artillery sabers, at $5 each; 500 cavalry revolvers, American pattern, latest improved, at $35 each; 100 dozen 12-inch bowie knives, at $9 per dozen; 2,500 Enfield rifles, new and complete, in transit, at $32.50 each.

If the foregoing prices meet your views samples of everything can be seen, and subject to your approval or rejection. If the prices do not meet your approbation there is no use negotiating further. Should purchases be made to any extent we desire to know positively whether you will make a deposit of the amount of freight which will have to be paid, as we can make no arrangements except on this basis. And we desire to further know if in case it becomes necessary to fee any officials to let the vessel or vessels depart in peace, you will pay such amount as may be necessary. As we informed you a few days ago that we should return to Richmond as soon as we knew what your final disposition was, we desire an answer before or by 8 o'clock this p. m., July 19, as it is our intention to take the first opportunity to return that presents itself.

Yours, respectfully,

W. G. BETTERTON, *Agent.*
J. E. CHALARD, *Agent.*

The foregoing communication was read to Colonel Lewis and his answer personally requested, as we explained to him at the time, as we had promised to give some parties from whom part of the things enumerated had to be purchased a definite answer if we would take them or not. He declined giving us an answer, as requested, and entered into a general conversation as to the goods, consenting to the prices named, excepting all the sabers; said he would pay or make a reasonable deposit of freight and pay all legitimate expenses. In order

to avoid all difficulty and trouble we insisted on knowing what he considered "a reasonable freight." He said Mr. Cahuzac informed him it could be done for $2,000 or less. We then assured Colonel Lewis the price named was so much below what we could get it done for we solicited him to make the shipping arrangements himself, and we would renounce one-third of our commission (2½ per cent.). He informed us he was not authorized to do anything of the kind. We then assured him that we would show him all the samples, assist him in everything in our power, and renounce the whole of our commission if he would take upon himself the shipping of the goods, so great was our anxiety for our country to have what we could get, or get to the extent of the credit. This proposition he declined, but not without his remarking that it would be far better to purchase a vessel and ship the goods than to pay any such price as we had led him to believe would have to be paid. We at no time having named any given price or sum of freight required, the impracticability of such a thing we very quickly demonstrated to him, and so the matter was left for the night, as far as he was concerned. After parting with Colonel Lewis, 8.30 p. m., we sought out the captain we had selected for our business, explained to him the embarrassments by which we were surrounded in relation to shipping, and asked his advice. His reply was that he would give us his reply and views this morning, July 20, which he has done, and here is a copy thereof, the original of which is annexed to this report, and is truly worthy of your consideration:

HAVANA, *July 20, 1861.*

Messrs. J. E. CHALARD and
W. G. BETTERTON:

GENTLEMEN AND DEAR SIRS: In consideration of my regard for the Southern Confederacy, I agree to take charge of a vessel to be loaded with arms and munitions of war and safely deliver the same within the limits of the Southern Confederacy, and leave the compensation to the liberality and good judgment of the President, the Hon. Jefferson Davis, and his honorable Cabinet.

Yours, very respectfully,

A. L. BAPTISTA,
Captain.

After receiving the above communication Colonel Lewis called upon us with a copy of a contract and letter of instructions, and informed us that neither contained any authority for him to make a deposit of money for the freight, and emphatically declined so to do. We then showed him a memorandum, of which the following is a copy, of a synopsis of purchases we should like to make, viz:

5,000 infantry muskets and bayonets, at $13	$65,000
500 minie rifles, with bayonets, at $26	13,000
5,000 kegs cannon-powder, at $6.50	32,500
1,000 kegs HFg powder, at $6.50	6,500
40,000 pounds lead, at 9 cents	3,600
7,000,000 C musket caps, at $5 per M	35,000
500 artillery muskets, with bayonets, at $12	6,000
500 revolvers, latest American pattern, at $35	17,500
In all	179,100

Upon which the following freight would have to be paid: Per musket, 50 cents; per rifle, 50 cents; per keg of powder, 3 shillings; per pistol, 25 cents; per ton of lead, $7; seventy cases C caps, each $2, with 5 per cent. primage, amounting in all to $5,859. Not despairing of being able to make some understanding with Colonel Lewis, we reopened the whole negotiations, and found up to date, July 20, his

letter of credit or order for the $157,250 on Messrs. Cahuzac & Co. had not been accepted. We deemed it no more than our duty as your agents to give him a little friendly counsel, and get the money and deposit the same in the Bank of Spain. Our reasons for giving this advice was simply this: On our arrival and since the money market here has been excessively tight, and the extent of our purchase being for the amount as per memorandum on folio 9 [page 501], the amount drawn for might subject the parties to some inconvenience and us to some disappointment, for in pricing the articles and quality and quantity we were asked in more than one instance how payment was going to be made. Our reply was by draft on Messrs. Cahuzac at sight. For the powder and caps this was declined, the parties saying they would take a check on the Bank of Spain or the ounces for their bills, but not a draft on Cahuzac & Co. Whether there was any foundation for this distrust of the house of Cahuzac & Co. or not we cannot say, but seeing a feeling of distrust manifested in the community we thought it our duty to have the aforesaid amount transferred into indisputable safety, knowing full well the Confederate States could not afford to have that amount locked up. This advice, which we thought prudential, Colonel Lewis deemed unworthy of his consideration, he declining to act accordingly.

On the evening of July 20 we introduced the gentlemen from whom we could procure the munitions of war to Colonel Lewis. They discoursed on the subject for some time, during which Colonel Lewis manifested such a feeling of distrust or want of confidence in them and ourselves that after we (Colonel Lewis, Messrs. Chalard and Betterton) left they resolved to have nothing to do with him, and so informed us, as per the annexed letter from them to us.* And to this letter we particularly invite your attention, to further show you with what good feeling and confidence we were esteemed. On our arrival in Havana, so confident were we of our mission that we advised Mr. Lavedan of the quantity of arms we wanted. To accommodate us he sent to Porto Rico by steamer for 3,000 of the arms and paid for the same, but in the transaction and interview he had with Colonel Lewis he (Colonel Lewis) became so odious that he (Mr. Lavedan) refused to hold further intercourse with him (Colonel Lewis), and pocket all the loss attending getting the arms from there, he seeing very plainly from the spirit of our contract nothing could be done whilst Colonel Lewis held such reins on our actions.

In relation to the officials of this island, we can assure you greater sympathy could not be manifested for any cause than the one you have the honor to direct. As proof of which we will relate a conversation that took place at the Quinta, the summer residence of Marshal Serrano, the honorable captain-general of Cuba, between him and the president (judge) of the supreme court of the island:

PRESIDENT OF COURT. Well, Marshal, how are our friends in the South getting along? Have you any late news?

Marshal S[ERRANO]. Very well, and advantageously at last accounts. But here is my friend, Mr. Lavedan, an enthusiastic friend and warm admirer of the South, who can freely express himself on the subject when others who are as good friends to the South are precluded from manifesting their feelings.

We also have the honor to report that every encouragement was given us and facility promised by the officials under Marshal Serrano and other authorities of this place (Havana) to consummate our mission, when at the same time we were cognizant of the fact that per-

*Not found.

emptory orders had been given to let nothing depart for the Northern section of the States that would come under the description of "arms and ammunition." While we exceedingly regret that our mission has not been consummated as it should have been and could have been had any other officer or agent accompanied us, for any other officer would have given us encouragement in our mission and would have let the necessities of our cause give a more liberal spirit of interpretation to whatever instructions were given, we are glad to be the medium of communicating to you the great sympathy we have found and of the ability of furnishing you with far more than we at first promised; and under any other auspices than those which have unfortunately attended us in this would have been consummated to your entire satisfaction and approval. Having done everything in our power to execute our mission and having failed only through stupidity (if not worse) of your agent, we think we have justly earned our commissions, and respectfully ask the same for our trouble and expense.

Cheerfully tendering you our services to return and successfully execute the mission as first promised, and especially so if sent under such auspices as we can suggest, and fully appreciating the confidence you reposed in us in the forenamed mission,

We have the honor to be, your most and very obedient servants,

W. G. BETTERTON.

VERA CRUZ, *July 27, 1861.*

Having read what is said in the above document regarding the transactions for the 2,018 arms which I had engaged for Messrs. Betterton and Chalard at the price of $17 each, I declare it to be a true and correct statement of the whole transaction; also in relation to the security offered in the person of Mr. Natalie Ulibarri, as required by the confidential officer, Mr. Theodore Lewis.

CARLOS DE FUENTES,
Of the firm of Fuentes, Carran & Co., of Vera Cruz.

I certify that I consented to give the loading security for Don Carlos Fuentes, who requested it in view of the demand, as he assured me, of Mr. Theodore Lewis.

N. ULIBARRI.

ADJUTANT-GENERAL'S OFFICE,
Richmond, Va., July 25, 1861.

General BRAXTON BRAGG,
Commanding, Pensacola, Fla.:

GENERAL: In reply to your inquiry respecting rule to be observed in filling up vacancies occurring in regiments under your command, the Secretary of War derives the following decision from opinions given by the Attorney-General:

When troops are organized under State laws and received into service as so organized, as, for instance, by battalions or regiments, all vacancies occurring are filled according to State laws; but where independent companies are tendered as such and so received by the President, all vacancies are filled by his appointment.

I am, sir, respectfully, your obedient servant,

R. H. CHILTON,
Assistant Adjutant-General.

(Copy of same sent to Col. R. H. Anderson, Charleston, S. C.; Brig. Gen. A. R. Lawton, Savannah, Ga.; W. D. De Saussure, Columbia,

S. C.; Col. W. M. Levy, Second Louisiana Regiment, Yorktown, Va.; Maj. D. Beltzhoover, New Orleans.)

ADJUTANT-GENERAL'S OFFICE,
Richmond, July 25, 1861.

Maj. H. L. CLAY,
Lynchburg:

MAJOR: The general desires to inform you, in reply to remarks entered upon your report of troops July 18, 1861, that it is decided to accept all organizations, armed and equipped, for any reasonable time insuring their useful employment, and all organizations, from a company up, offered for twelve months' service. He desires that you will muster in all troops so offering.

I am, sir, your obedient servant,

R. H. CHILTON,
Assistant Adjutant-General.

EXECUTIVE DEPARTMENT,
Richmond, July 25, 1861.

Hon. L. P. WALKER,
Secretary of War of the Confederate States:

SIR: Your communication to the Governor of the 20th instant was received by him only on yesterday. I am directed by the Governor to say that the inquiries made in my letter of the 18th were dictated solely with a view to obviate difficulties which presented themselves by the proposition to transfer the machinery, &c., taken at Harper's Ferry to the Confederate States, and with it the State armory. To understand these difficulties a few facts will suffice. The General Assembly of Virginia, to provide for the exigencies foreseen previous to the secession of the State, directed the State armory to be remodeled and to be fitted up with complete machinery for manufacturing the most efficient arms. For this purpose a contract had been made with J. R. Anderson & Co. for the machinery necessary, and the preparatory work for the building had far advanced, and a part of the machinery had been completed when the Harper's Ferry machinery was taken. As this machinery was more than sufficient for the purposes of the State armory at Richmond, a portion of it was loaned to the State of North Carolina, to be used at Fayetteville, and the balance was intended to be used here. It was supposed that it would be unnecessary, therefore, for Anderson & Co. to proceed further in the execution of their contract, the State holding itself bound for the work executed by them. A large expenditure had also been made in preparing the building for machinery.

Besides this, as I stated in my former letter, the State was engaged in manufacturing gun carriages, caissons, &c., under orders from General Lee, still unexecuted, but only to a limited extent. She had officers and employés engaged in all these duties. The armory had been made by law a military post. The Public Guard, a State company, had been posted there in the neighborhood to act as a guard of the armory and other public property. Arrangements were necessary to be made for this company. A considerable number of public arms were still stored in the armory building. Some arrangement was necessary for these arms. It became absolutely essential under all

these considerations, when the convention of the State directed that the use of the armory should be tendered to the Confederate States by the Governor, that he should know whether the machinery was intended to be put up in this building or not, and whether the arrangements heretofore existing were to continue.

The Governor, reciprocating fully the desire expressed by you "to cultivate a spirit of the most perfect harmony and mutual understanding between the government of Virginia and the Confederate Government," is gratified to learn from your letter that your "Department will take the responsibility of saying that the Confederate Government will assume the liability for all operations which were in progress at the time this transfer was made, or which, being then under contract, are not yet completed, and desires that these operations may be completed by the officers previously charged with them." And, further, that "compensation of the officers and workmen employed and all other expenses properly incidental to the operations in question will of course be included in this liability."

With this understanding, no new contracts will be made. The Governor is gratified also to learn that "it is the present intention of your Department to continue the operation of the machinery in the armory at Richmond, and under all circumstances, so long as possible, to continue the use of the armory for the objects to which it has been devoted in the service of the Confederate States." As soon as a suitable person is assigned to the duty by the proper department of the Confederate States, and suitable arrangements can be made to meet the circumstances detailed in the previous part of this letter, the Governor will designate a proper person to whom the duty of the transfer will be assigned and a written agreement can be signed by the parties.

Very respectfully,

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

BUTLER, CHOCTAW COUNTY, ALA., *July 26, 1861.*

L. P. WALKER, Esq.:

DEAR SIR: Quite a number of men of undoubted respectability are anxious to serve the Government on their own account. It is proposed to form a company or companies, proceed against the enemy in any manner that will cripple the enemy most and do our Government most service. It is further proposed in forming such companies and in going to war, in order to sustain such companies, to seize, take, and convey all and every kind of property captured to the use of such companies. In other words, such companies purpose going and fighting without restraint and, under no orders and convey the property captured to their own private use, thereby benefiting their own pecuniary circumstances as well as doing their own country good service by crippling the enemy. Our Government will not have us to support or sustain, and all that such companies desire would be some verbal or written assurance that our Government will not interfere with our movements or hold us accountable in after time for the part taken in the premises. As regards the enemy, we will take care of ourselves. Would the Government look upon us as unlawful bands that ought to be dispersed, capture us, and hold us amenable to the laws of the country? Or would not the Government, as well as all good citizens,

applaud rather than condemn such a movement? That is a question I would feel obliged if you will answer me at your earliest convenience. We have a desperate enemy to contend with, and if necessary must resort to desperate means. I have been constrained to write you for information not only for myself, but others concerned, and in doing so I am only actuated by a strong desire for my country's good.

Yours, respectfully, &c.,

D. M. K. CAMPBELL.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 29, 1861.

Major GORGAS,
Chief of Ordnance, &c., C. S. Army:

SIR: A letter has been received at this Department from the honorable secretary of the Commonwealth of Virginia detailing the operations now in progress or under contract in charge of the authorities of the State of Virginia, and stating the readiness on the part of the Governor of Virginia, "as soon as a suitable person is assigned to the duty by the proper department of the Confederate States, and suitable arrangements can be made to meet the circumstances detailed in the previous part of this letter," to designate a proper person to whom the duty of the transfer will be assigned, and a written agreement can be signed by the parties. You have already been commissioned to represent the Confederate Government in the transfer in question. As soon, therefore, as the operations referred to are completed by the proper authorities of the State of Virginia now in charge of them you are authorized to receive the transfer and to enter into the agreement proposed on the terms already agreed upon on the part of their government.

Respectfully,

L. P. WALKER,
Secretary of War.

FAYETTEVILLE, TENN., *July 29, 1861.*

Hon. L. P. WALKER,
Secretary of War, Richmond, Va.:

DEAR SIR: The undersigned have the honor to inform you that at and by a meeting of a portion of the citizens of the county of Lincoln on this day they were appointed a committee to correspond with you touching the matters embodied in the following resolution and proceedings, which were had and done in said meeting, which proceedings are as follows, to wit:

Resolved, That the chairman appoint a committee of three persons to correspond with the War Department at Richmond touching the following matters, to wit: Can the said Department furnish all of our soldiers now in the field with shoes, socks, coats, pants, blankets, shirts, and every article necessary to constitute a soldier's winter dress? If not all of them can be so furnished, what proportion can be so supplied by the Department, and to what extent, with each of the articles making complete a soldier's dress? The object of our citizens being, if the Department cannot furnish all of said necessary winter clothing, shoeing, &c., to inaugurate a plan by which the deficit, if there should be a deficit, may be partially supplied.

JAS. G. WOOD,
Chairman.

GEO. J. GOODRICH,
Secretary.

Our citizens feel a deep solicitude about our soldiers and their comfort during the approaching winter, and knowing that our ports were under a blockade, that our manufactures of woolen goods are on a scale of diminution entirely disproportioned to the wants of our people and of our Army, and that our funding and financial system and also our system of government are yet without consolidation and organized system, we have apprehended that the Department would be unable to furnish all the comforts of clothing so necessary to shield the soldier from the blasts of winter. We therefore desired to know whether the Government wants aid and co-operation in the premises. If Government is unable to furnish all, we desire to know it at an early day, that we may take such steps as to effect all that we can in the premises. From our wool we can make blankets, clothing, and socks, and clothe every man we have in the field (about 900) if necessary, and we trust that the Secretary of War may be pleased to inform us at an early day touching the above inquiries. The committee also respectfully suggest to the Department, if the Government has to rely upon private contribution, that some plan may be adopted at Richmond by the Department looking to the unity and co-operation of the people of every county in the South in the premises, and that said plan be published in all the papers of the South. Pardon the committee and those whom we represent for these suggestions, for, knowing that we are all animated by the one high and holy purpose of achieving and maintaining our independence, we thought we could do no less.

Trusting, sir, that our war may be as successful as your labors are arduous, and that the honorable Mr. Walker may be pleased to give the undersigned an answer as early as possible,

We have, sir, the honor to be, very respectfully, your obedient servants,

JOEL J. JONES,
JACOB GILLESPIE,
DAVID F. ROBERTSON,
Committee.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 29, 1861.

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: The letter of the Secretary of the Commonwealth of Virginia detailing the operations in the Virginia armory at Richmond, now in charge of the authorities of the State of Virginia, has been received. This Department is gratified to know that its late letter on the subject of the proposed transfer was satisfactory to Your Excellency, and cordially reciprocates the kindly feelings expressed by Your Excellency toward the Confederate Government. The operations referred to are only such as this Department fully approves, and will doubtless be faithfully and satisfactorily executed by the officers now charged with them. It is finally stated that—

As soon as a suitable person is assigned to the duty by the proper department of the Confederate States, and suitable arrangements can be made to meet the circumstances detailed in the previous part of this (your) letter, the Governor will designate a proper person to whom the duty of the transfer will be assigned, and a written agreement can be signed by the parties.

Major Gorgas is authorized to represent this Government in the transfer proposed, and will, therefore, as soon as the arrangements referred to are completed, enter on the part of the Government with the written agreement proposed.

Very respectfully,

L. P. WALKER,
Secretary of War.

A RESOLUTION to dispose of donations made by certain churches on the late fast day.

Resolved by the Congress of the Confederate States of America, That the sum of $5,278.88, reported by the Secretary of the Treasury as received into the Treasury from donations by churches on the late fast day, be appropriated as a fund for the use of the soldiers and officers wounded at the late battle of Manassas, and that the same be disbursed and applied by the Secretary of the Treasury, with the concurrence of the chairman of the committee of this House.

Approved July 30, 1861.

RESOLUTIONS in relation to the First Regiment of North Carolina Volunteers.

Resolved by the Congress of the Confederate States of America, That the President be, and he is hereby, authorized to receive and muster into the service of the Confederate States of America the First Regiment of North Carolina Volunteers, now stationed at Yorktown, for the term of six months from the time they were sworn in and mustered into the service of North Carolina, and to discharge them after the expiration of that period; said period to commence at the time the first company of said regiment was mustered into the service of North Carolina.

Resolved further, That the cadets from the North Carolina Institute, at Charlotte, who may have been acting with said regiment be mustered into the service in the same manner as the residue of the regiment and recognized as part thereof, with the pay of privates.

Approved July 30, 1861.

SPECIAL ORDERS, No. 110.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, July 30, 1861.

* * * * * * *

IX. Surg. Samuel P. Moore, Medical Department, is assigned to duty in this city as Acting Surgeon-General, C. S. Army. He will relieve Surg. Charles H. Smith, in charge of the Medical Bureau.

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

EXECUTIVE DEPARTMENT,
Richmond, July 31, 1861.

Hon. HOWELL COBB,
President of the Congress:

SIR: In accordance with a resolution of the Congress adopted on the 29th instant, I herewith transmit a copy of the report of Lieut. Col.

James H. Burton, in charge Virginia ordnance, to Maj. J. Gorgas, Chief of Ordnance.

JEFFERSON DAVIS.

[Inclosure.]

CONFEDERATE STATES ARMORY,
Richmond, July 20, 1861.

Maj. J. GORGAS,
Chief of Ordnance:

SIR: With reference to the subject of the propriety or expediency of allowing selections to be made from among the machines for the manufacture of rifle muskets—removed to this armory from Harper's Ferry—with a view to the use of the machines so selected at other places, I beg to submit for your information, and in compliance with your request, the following remarks:

It is, I find, a prevailing impression among the several persons interested in the proposed separation of a portion of this machinery for use elsewhere that the plant of machinery now here is composed for the most part of different classes of machines, of which one machine is a type of many; and from this it is argued that the detachment of one or two machines of each class will only have the effect of reducing the product of the armory to the extent of the productive capacities of the machines so detached. This impression is very erroneous, with but little exception.

The most numerous class of machines now in the armory is that known as "milling machines," and, so far as the machines themselves are concerned, one may be regarded as the type of the whole class. But each machine is fitted with a special apparatus for holding the part to be operated upon in one particular position; and it is also fitted with a set of "cutters" of special shape for milling the part so held. In this way the set of milling machines is made up of a number of machines fitted apparently to the unpracticed observer for doing the same work, whilst, in fact, each one is set apart for the performance of some one particular operation, which none of the others can be spared to do without seriously deranging the whole system. In the set of milling machines for milling barrels, for instance, the detachment of any one of the set, of which there is no duplicate employed, would have the effect of rendering it necessary to supply its place with another machine of the same kind, and which could not be spared from any other operation. The result is obvious. And so with reference to the set of machines for milling bayonets or any other important component part of the arm. In some cases there may be duplicate milling machines employed, but it is quite obvious that the detachment of one of such duplicate machines, although apparently an insignificant draft upon the entire machinery of the armory, would have the effect of reducing the product of the armory just one-half.

The set of machines for making stocks comprises fifteen distinct machines, each of which differs essentially from the rest. The detachment of any one of them would entirely stop the manufacture of this component by the system now pursued.

The machinery now in this armory comprises a complete set, equal to the production of about 15,000 arms per annum, and there being no surplus or spare machines, the separation of any one or more of them would so seriously affect the productive capacity of the whole that I am constrained to recommend in the strongest terms the preservation

of the whole system in its present entirety, as being the course most likely to produce a result satisfactory to the Government, inasmuch as it is expected that in a comparatively short time the whole will be successfully at work producing the minie musket.

I have the honor to be, sir, your most obedient servant,

JAS. H. BURTON,

Lieutenant-Colonel, Virginia Ordnance, in Charge.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 31, 1861.

Hon. HOWELL COBB,
President of the Confederate States Congress:

SIR: I have the honor to acknowledge the receipt of a communication from the Secretary of the Confederate Congress, dated July 29, inclosing the following resolutions, adopted by the Congress on the 27th instant:

Resolved, That the Secretary of War be requested to inform Congress whether his Department has made contracts for the manufacture of powder of the different grades and varieties required in the military service of the Confederate States; whether the persons with whom such contracts have been made have yet fulfilled their contracts, in whole or part, and whether they are actually engaged in the execution of their contracts, and whether they possess the requisite material for the energetic and prompt execution thereof.

Resolved, That the Secretary of War be requested to furnish for the use of this Congress a complete list of all appointments made in the permanent Army of the Confederate States, with the rank and date of appointment, the State of the appointee, and when the appointee is a resigned officer of the U. S. Army showing his rank in that Army at the time of his resignation, the date of his commission or appointment, and the State from which appointed.

In reply to the first of these resolutions I have the honor to state that this Department has made contracts for the manufacture of powder of the different grades and varieties required in the military service of the Confederate States in quantities believed to be sufficient for the probable exigencies of the service; that of the varieties required for small-arms, muskets, or rifles, large quantities are already on hand, not less than 20,000,000 of cartridges in quantity being now in our possession—more than sufficient, according to the ordinary estimate, to supply an army of 400,000 men for twelve months, besides a sufficiency of cannon-powder for present use; that large contracts for the manufacture of all the necessary varieties of powder have been made, both in this country and in Europe; that in no case have deliveries yet been made, but that the contracts are now in course of execution, and the parties contracting are believed in all cases to be competent for the faithful execution of their contracts and to possess the requisite material for the energetic and prompt fulfillment of the same. Preparations for the manufacture of powder within the limits of the Confederate States are progressing on a large scale. The Government is in possession of large quantities of sulphur and saltpeter, and it is hoped that it will not be long before the Confederate States will be independent of foreign supplies in this important munition of war. The arrangements made in Europe for the purchase of powder are believed to be complete and satisfactory. A large quantity has been already purchased, which will be ready for early shipment, and arrangements have been made for its importation which it is confidently hoped will elude the utmost vigilance of the blockade.

In conformity with the second of the above resolutions, the list therein asked for is herewith transmitted.* A considerable number of these appointments still await confirmation.

I have the honor to be, sir, very respectfully,

L. P. WALKER,
Secretary of War.

EXECUTIVE DEPARTMENT,
Richmond, July 31, 1861.

Maj. J. GORGAS,
Chief of Ordnance, C. S. Army:

SIR: The Governor has received your letter of the 30th instant, and requests me to reply that in my letter to the honorable the Secretary of War dated the 25th of the present month I stated that—

> As soon as a suitable person is assigned to the duty by the proper department of the Confederate States, and suitable arrangements can be made to meet the circumstances detailed in the previous part of this letter, the Governor will designate a proper person to whom the duty of the transfer will be assigned, and a written agreement can be signed by the parties.

You say in your letter "it is indispensable to the vigorous prosecution of the public work that the authorities of the Confederate States should have exclusive control over all the public buildings appertaining to the armory;" and yet the Governor has not been apprised that any person has been appointed or assigned to the duty of making the suitable arrangements to carry out the transfer "by written agreement" to "be signed by the parties." You remark:

> For this purpose it is proposed that the stock of small-arms now there belonging to the State of Virginia be turned over to the Confederate States and repaired at their expense. Issues from arms so repaired will be made, of course, to troops from Virginia equally with other troops.

This subject of the arms belonging to the State was expressly stated in my letter to be one of the subjects upon which some arrangement was necessary, and for which arrangement some person should be appointed and some written agreement entered into. The State of Virginia has with liberality and cordiality armed a large number of the Confederate troops from her limited supply of arms, and she wishes to reserve the arms now left in her armory for a case of emergency, when it may be requisite to give them to her unarmed militia. She had already made arrangements for repairing and percussioning these guns. Under these circumstances the Governor believed that the Confederate States might continue the arrangements made for repairing and percussioning and agree to reserve these arms for the use of the State. This was a matter reserved for agreement. You remark:

> It is highly desirable that the erecting of carriages and caissons be pushed to completion as fast as possible, and that the office of the colonel of ordnance and the Public Guard be removed, in order that the control of the establishment should be completely in the hands of the Confederate States.

In the letter of the Honorable Secretary of War, before alluded to, he uses the following language, that the Confederate Government "desires that these operations may be completed by the officers previously charged with them." When the operations are completed the officers will no longer be necessary. This was one of the details which

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* Omitted.

it was supposed would be settled by written agreement. The Governor again reiterates his desire to promote earnestly the good of the common cause and to throw no obstacles in the way needlessly; but the transfer of a large State establishment like the armory, the right of property in which is to be retained by the State, requires formalities and written agreements by properly authorized agents which cannot be dispensed with.

Among the subjects requiring consideration and adjustment is one which I have not previously mentioned, but must be brought to the notice of the Confederate Government. It is this: The water-power by which the machinery at the armory is propelled does not belong to the State, but is rented by the State from the James River and Kanawha Company. For this water-power the State pays about the sum of $1,200 annually. It is but reasonable that in the transfer of the armory the Government of the Confederate States should assume to pay for the use of the water while used by them. This is another subject requiring arrangement. As to the Public Guard, it was expected by the Governor that other quarters should be provided for them by the State.

In conclusion, you request that the Governor "will give such directions as will lead to the complete evacuation of the buildings at as early a day as practicable." The whole subject is left, under my letter of the 25th instant, in the control of the Secretary of War. It will be attended to with pleasure "as soon as a suitable person is assigned to the duty by the proper department of the Confederate States and suitable arrangements can be made to meet the circumstances detailed" and "a written agreement can be signed by the parties."

Very respectfully,

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 31, 1861.

His Excellency THOMAS O. MOORE,
New Orleans, La.:

SIR: In reply to Your Excellency's letter of the 23d instant I have to reply that the law requires troops to clothe themselves; but this Department is making every possible exertion to complete an arrangement to furnish them with clothes, believing, however, that it will be impossible to do so very soon.

Very respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

RICHMOND, *August 1, 1861.*

Hon. HOWELL COBB,
President of Congress of Confederate States:

SIR: I have the honor to acknowledge the resolution of inquiry of this date in relation to the commissariat of the Confederate States, and to reply that its condition is, in my judgment, quite as good as was reasonable to expect. The occupation of the railroads in the transportation of troops and munitions of war has interfered with the collection of the desired supply of bacon, but no complaint of a

sufficiency of rations has reached me until within a few days past. I have been informed of a failure of issues to troops at Manassas; the chief commissary there has communicated to me that the failure was restricted to the articles of hard bread and bacon. As this, however, was not consistent with the complaint made, inquiries have been instituted as well to remedy any existing irregularities as to prevent such occurrence in future.

JEFF'N DAVIS.

A TREATY of friendship made and concluded at the Seminole council-house, in the Seminole Nation, west of Arkansas, on the first day of August, A. D. one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, commissioner with plenary powers of the Confederate States, of the one part, and the Seminole Nation of red men, by its chiefs, headmen, and warriors in general council assembled, of the other part.

The Congress of the Confederate States of America having, by "An act for the protection of certain Indian tribes," approved the twenty-first day of May, A. D. one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the rights, privileges, and immunities, titles, and guarantees with each of the said nations and tribes under treaties made with them by the United States of America; and the Seminole Nation of red men having assented thereto upon certain terms and conditions:

Now, therefore, the said Confederate States of America, by Albert Pike, their commissioner, appointed by the President, under authority of the act of Congress in their behalf, with plenary powers for these purposes, and the Seminole Nation, in general council assembled, have agreed to the following articles, that is to say:

ARTICLE I. There shall be perpetual peace and friendship between the Confederate States of America and all of their States and people and the Seminole Nation of red men and all its towns and individuals.

ART. II. The Seminole Nation of red men acknowledges itself to be under the protection of the Confederate States of America, and of no other power or sovereign whatever, and doth hereby stipulate and agree with them that it will not hereafter, nor shall any of its towns or individuals, contract any alliance or enter into any compact, treaty, or agreement with any individual State or with a foreign power: *Provided*, That it may make such compacts and agreements with neighboring nations and tribes of Indians for their mutual welfare and the prevention of difficulties as may not be contrary to this treaty or inconsistent with its obligations to the Confederate States; and the said Confederate States do hereby assume and accept the said protectorate, and recognize the said Seminole Nation as their ward; and by the consent of the said Seminole Nation, now here freely given, the country whereof it is proprietor in fee, as the same is hereinafter defined, is annexed to the Confederate States, in the same manner and to the same extent as it was annexed to the United States of America before that Government was dissolved, with such modifications, however, of the terms of annexation and upon such conditions as are hereinafter expressed, in addition to all the rights, privileges, immunities, titles, and guarantees with or in favor of the said nation under treaties made with it and under statutes of the United States of America.

ART. III. The following shall constitute and remain the boundaries of the Seminole country, viz: Beginning on the Canadian River a few miles east of the ninety-seventh parallel of west longitude, where Ok-hai-ap-po, or Pond Creek, empties into the same; thence due north to the North Fork of the Canadian; thence up the said North Fork of the Canadian to the southern line of the Cherokee country; thence with that line west to the one-hundredth parallel of west longitude; thence south along said parallel of longitude to the Canadian River, and thence down and with that river to the place of beginning.

ART. IV. The Seminole Nation hereby gives its full, free, and unqualified assent to those provisions of the act of Congress of the Confederate States of America entitled "An act for the protection of certain Indian tribes," approved the twenty-first day of May, A. D. one thousand eight hundred and sixty-one, whereby it was declared that all the reversionary and other interest, right, title, and proprietorship of the United States in, unto, and over the Indian country in which that of the said nation is included should pass to and vest in the Confederate States; and whereby the President of the Confederate States was authorized to take military possession of all said country; and whereby all the laws of the United States, with the exception thereinafter made, applicable to and in force in said country and not inconsistent with the letter or spirit of any treaty stipulations entered into with the Seminole Nation, among others were re-enacted, continued in force, and declared to be in force in said country as laws and statutes of the said Confederate States: *Provided, however*, And it is hereby agreed between the said parties that whatever in the said laws of the United States contained is or may be contrary to or inconsistent with any article or provision of this treaty is to be of none effect henceforward, and shall upon the ratification hereof be deemed and taken to have been repealed and annulled as of the present date; and this assent, thus qualified and conditioned, shall relate to and be taken to have been given upon the said day of the approval of the said act of Congress.

ART. V. The Confederate States of America do hereby solemnly guarantee to the Seminole Nation, to be held by it to its own use and behoof in fee simple forever, the lands included within the boundaries defined in the preceding article of this treaty, to be held by the people of the said nation in common, as they have heretofore been held, so long as grass shall grow and water run, if the said nation shall so please, but with power of making partition thereof and disposition of the same by laws of the nation duly enacted; by which partition or sale title in fee simple absolute shall vest in parceners and purchasers whenever it shall please the nation, of its own free will and accord and without solicitation from any quarter, to do so; which solicitation the Confederate States hereby solemnly agree never to use; and the title and tenure hereby guaranteed to the said nation is and shall be subject to no other conditions, reservations, or restrictions whatever than such as are hereinafter specially expressed.

ART. VI. None of the said lands hereby guaranteed to the Seminole Nation shall be sold, ceded, or otherwise disposed of to any foreign power, or to any state or government whatever; and in case any such sale, cession, or disposition should be made without the consent of the Confederate States, all the said lands shall thereupon revert to the Confederate States.

ART. VII. It is further hereby agreed and stipulated that no part of the tract of country hereinbefore guaranteed to the Seminole Nation,

being the same that was ceded to it by the treaty of the seventh day of August, A. D. one thousand eight hundred and fifty-six, between the United States of America and the Creek and Seminole Nations of Indians, shall ever be sold or otherwise disposed of without the consent of both of said nations being legally given.

ART. VIII. The Confederate States of America do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Seminole Nation; and that no portion of the country hereby guaranteed to it shall ever be embraced or included within or annexed to any Territory or province; nor shall any attempt ever be made, except upon the free, voluntary, and unsolicited application of the said nation, to erect the said country, by itself or with any other, into a State or any other territorial or political organization, or to incorporate it into any State previously created.

ART. IX. So far as may be compatible with the Constitution of the Confederate States, and with the laws made, enacted, or adopted in conformity thereto, regulating trade and intercourse with the Indian tribes as the same are limited and modified by this treaty, the Seminole Nation shall possess the otherwise unrestricted right of self-government and full jurisdiction, judicial and otherwise, over persons and property within its limits, excepting only such white persons as are not, by birth, adoption, or otherwise, members of either the Seminole or Creek Nation; and that there may be no doubt as to the meaning of this exception it is hereby declared that every white person who, having married a Seminole or Creek woman, resides in the said Seminole country, or who, without intermarrying, is permanently domiciled therein with the consent of the authorities of the nation and votes at elections, is to be deemed and taken as a member of the said nation within the true intent and meaning of this article; and that the exception contained in the laws for the punishment of offenses committed in the Indian country, to the effect that they shall not extend or apply to offenses committed by one Indian against the person and property of another Indian, shall be so extended and enlarged by virtue of this article when ratified, and without further legislation, as that none of said laws shall extend or apply to any offense committed by any Indian or negro or mulatto, or by any such white person, so by birth, adoption, or otherwise, a member of the Seminole or Creek Nation against the person or property of any Indian, negro, or mulatto, or any such white person, when the same shall be committed within the limits of the said Seminole Nation as hereinbefore defined; but all such persons shall be subject to the laws of the Seminole Nation and to prosecution and trial before its tribunals, and to punishment according to such laws in all respects like native members of the said nation.

ART. X. All persons who are not members of either the Seminole or Creek Nation found in the Seminole country as hereinbefore limited, shall be considered as intruders and be removed and kept out of the same, either by the civil officers of the nation, under the direction of the Executive, or the general council, or by the agent of the Confederate States for the nation, who shall be authorized to demand, if necessary, the aid of the military for that purpose, with the following exceptions only; that is to say, such individuals with their families as may be in the employment of the Government of the Confederate States; all persons peaceably traveling or temporarily sojourning in the country, or trading therein under license from the proper authority; and such persons as may be permitted by the Seminoles or

Creeks, with the assent of the agent of the Confederate States, to reside within their respective limits without becoming members of either of said tribes.

ART. XI. A tract of two sections of land, to be laid off under the direction of the President of the Confederate States, and to include the site of the present Seminole agency, whereon the public buildings of that agency have been erected, is hereby reserved to the Confederate States and not included in the guarantee of lands aforesaid, but shall be within the sole and exclusive jurisdiction of the Confederate States, except as to members of the Seminole or Creek Nation as above defined, all offenses committed by whom thereon shall be punished by the laws and courts of the Seminole Nation whenever they would be so punished if committed elsewhere in the nation: *Provided*, That whenever the agency for the said nation shall be discontinued by the Confederate States, and an agent no longer appointed, the said tract of two sections of land shall pass to and vest absolutely in the Seminole Nation in the same manner as its other lands, with all the buildings that may be thereupon.

ART. XII. The Confederate States shall have the right to build, establish, and maintain such forts and military posts, temporary or permanent, and to make and maintain such military and post roads as the President may deem necessary in the Seminole country; and the quantity of one mile square of land, including each fort or post, shall be reserved to the Confederate States, and within their sole and exclusive jurisdiction, so long as such fort or post is occupied; but no greater quantity of land beyond one mile square shall be used or occupied, nor any greater quantity of timber felled than of each is actually requisite; and if in the establishment of such fort, post, or road, or of the agency, the property of any individual member of the Seminole Nation, or any property of the nation itself, other than land, timber, stone, and earth, be taken, destroyed, or injured, just and adequate compensation shall be made by the Confederate States.

ART. XIII. The Confederate States, or any company incorporated by them, or any one of them, shall have the right of way for railroads or telegraph lines through the Seminole country; but in the case of any incorporated company, it shall have such right of way only upon such terms and payment of such amount to the Seminole Nation as may be agreed upon between it and the National Council thereof; or, in case of disagreement, by making full compensation, not only to individual parties injured, but also to the nation for the right of way; all damage and injury done to be ascertained and determined in such manner as the President of the Confederate States shall direct. And the right of way granted by said nation for any railroad shall be perpetual, or for such shorter term as the same may be granted, in the same manner as if no reversion of their lands to the Confederate States were provided for, in case of abandonment by them or of extinction of their tribe.

ART. XIV. No person shall settle, farm, or raise stock within the limits of any post or fort, or of the agency, except such as are or may be in the employment of the Confederate States in some civil or military capacity, or such as, being subject to the jurisdiction and laws of the Seminole Nation, are permitted by the commanding officer of the post or fort or by the agent to do so upon the reserve.

ART. XV. The Confederate States shall protect the Seminoles from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to the jurisdiction and laws of

the Seminole Nation; and from all injuries resulting from such invasion or aggression full indemnity is hereby guaranteed to the party or parties injured out of the Treasury of the Confederate States upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions committed upon them by Indians.

ART. XVI. No person shall hereafter be licensed to trade with the Seminoles except by the agent and with the advice and consent of the National Council, which advice and consent, however, shall not be necessary in the case of traders now trading under license until the expiration of the year one thousand eight hundred and sixty-two. Every licensed trader shall execute bond to the Confederate States in such form and manner as was required by the United States or as may be required by the Bureau of Indian Affairs; and no appeal shall hereafter lie to any officer whatever from the decision of the agent refusing license to any applicant.

ART. XVII. All persons licensed by the Confederate States to trade with the Seminoles shall be required to pay to the authorities of the Seminole Nation a moderate annual compensation for the land and timber used by them, the amount of such compensation in each case to be assessed by the proper authorities of the said Seminole Nation, subject to the approval of the Confederate States agent therefor.

ART. XVIII. It is further hereby agreed that no license shall hereafter be granted to any trader who is in arrear on account of any amount legally assessed to be paid by him as compensation for land and timber used, and that any license hereafter granted shall be revoked on failure or refusal to pay in due time the amount that may be therefor legally assessed in any years. And when a renewal of license is refused any trader he shall, nevertheless, be entitled, if he be not a dangerous or improper person, to remain in the Seminole country such reasonable length of time as may, in the opinion of the agent, be necessary for the purpose of collecting such debts as may be due him, being during such time under the protection of the laws of the Confederate States as a person peaceably sojourning in the country.

ART. XIX. All restrictions or limitations heretofore imposed or existing by treaty, law, or regulation upon the right of any member of the Seminole Nation freely to sell and dispose of to any person whatever any chattel or article of personal property whatever are hereby removed and annulled, except such as the laws of the nation itself may have created.

ART. XX. An agent of the Confederate States and an interpreter shall continue to be appointed for the Seminole Nation, both of whom shall reside at the agency; and whenever a vacancy shall occur in either of the said offices the authorities of the nation shall be consulted as to the person to be appointed to fill the same, and no one shall be appointed against whom they in good faith protest; and the agent may be removed on petition and formal charges preferred by the constituted authorities of the nation, the President being satisfied upon investigation that there is sufficient cause for such removal.

ART. XXI. The Seminole Nation may, by act of its legislative authorities, receive and incorporate in itself as members of the nation or permit to settle and reside upon the national lands such Indians of any other tribe as to it may seem good, and may sell to such Indians portions of land, in fee or by less estate, or lease them portions thereof for years or otherwise, and receive to its own use the price of such

sales or leases; and it alone shall determine who are members and citizens of the nation entitled to vote at elections, hold office, or share in annuities or in the common lands: *Provided*, That when persons of another tribe shall once have been received as members of the Seminole Nation they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Seminoles themselves. But no Indians other than Seminoles and Creeks not now settled in the Seminole country shall be permitted to come therein to reside without the consent or permission of the legislative authority of the nation.

ART. XXII. If any citizen of the Confederate States or any other persons not being permitted to do so by the authorities of said nation or authorized by the terms of this treaty shall attempt to settle upon any lands of the Seminole Nation he shall forfeit the protection of the Confederate States, and such punishment shall be inflicted upon him, not being cruel, unusual, or excessive, as may have been previously prescribed by law of the nation.

ART. XXIII. No citizen or inhabitant of the Confederate States shall pasture stock on the lands of the Seminole Nation under the penalty of $1 per head for all so pastured, to be collected by the authorities of the nation; but their citizens shall be at liberty at all times, and whether for business or pleasure, peaceably to travel the Seminole country and to drive their stock to market or otherwise through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose. It is also further agreed that the members of the Seminole Nation shall have the same right of traveling, driving stock, and halting to recruit the same in any of the Confederate States.

ART. XXIV. The officers and people of the Seminole and Creek Nations, respectively, shall have at all times the right of safe conduct through the lands of each other; and the members or each nation shall have the right, freely and without seeking license or permission, to settle within the country of the other, and shall thereupon be entitled to all the rights, privileges, and immunities of members thereof, including the right of voting at all elections and being deemed qualified to hold office, and excepting only that no member of either nation shall be entitled to participate in any funds belonging to the other nation. Members of either nation shall have the right to institute and prosecute suits in the courts of the other under such regulations as may from time to time be prescribed by their respective Legislatures.

ART. XXV. Any person duly charged with a criminal offense against the laws of either the Seminole or Creek Nation and escaping into the jurisdiction of the other shall be promptly surrendered upon the demand of the proper authority of the nation within whose jurisdiction the offense shall be alleged to have been committed.

ART. XXVI. The Seminole Nation shall promptly apprehend and deliver up all persons accused of any crime against the laws of the Confederate States or any State thereof who may be found within its limits, on demand of any proper officer of a State of the Confederate States; and the authorities of each of said States shall in like manner deliver up, on demand of the executive authority of the Seminole Nation, any person subject to the jurisdiction of the tribunals of such nation and accused of any crime against its laws.

ART. XXVII. In addition to so much and such parts of the acts of Congress of the United States enacted to regulate trade and intercourse with Indian tribes and to preserve peace on the frontiers as

may have been re-enacted and continued in force by the Confederate States, and as are not inconsistent with the provisions of this treaty, so much of the laws of the Confederate States as provide for the punishment of crimes amounting to felony at common law or by statute against the laws, authority, or treaties of the Confederate States, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the Confederate States or of the United States, or the securities of the Confederate States, or in uttering counterfeit coin or securities, and so much of such laws as provides for the punishment of violators of neutrality laws and resistance to the process of the Confederate States and all the acts of the Provisional Congress providing for the common defense and welfare, so far as the same are not locally inapplicable, shall hereafter be in force in the Seminole country.

ART. XXVIII. Whenever any person who is a member of the Seminole Nation shall be indicted for any offense in any court in the Confederate States, or in a State court, he shall be entitled as of common right to subpœna, and, if necessary, compulsory process for all such witnesses in his behalf as his counsel may think material for his defense; and the costs of process for such witnesses and of service thereof, and the fees and mileage of such witnesses, shall be paid by the Confederate States, being afterward made, if practicable, in the case of conviction, of the property of the accused. And whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defense, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court and paid upon the certificate of the judge.

ART. XXIX. The provisions of all such acts of the Congress of the Confederate States as may now be in force, or as may hereafter be enacted for the purpose of carrying into effect the provisions of the Constitution in regard to the redelivery of fugitive slaves or fugitives from labor and service, shall extend to and be in full force within the said Seminole Nation, and shall also apply to all cases of escape of fugitive slaves from the said Seminole Nation into any other Indian nation or into one of the Confederate States, the obligation upon each such nation or State to redeliver such slaves being in every case as complete as if they had escaped from another State, and the mode of procedure the same.

ART. XXX. Persons belonging to the Seminole Nation shall hereafter be competent witnesses in all cases, civil and criminal, in the courts of the Confederate States, unless rendered incompetent from some other cause than their Indian blood or descent.

ART. XXXI. It is hereby further agreed by the Confederate States that all the members of the Seminole Nation, as hereinbefore defined, shall be henceforward competent to take, hold, and pass, by purchase or descent, lands in any of the Confederate States heretofore or hereafter acquired by them, and to sue and implead in any of the courts of each of the States in the same manner, and as fully and under the same terms and restrictions and on the same conditions only, as citizens of another of the Confederate States can do.

ART. XXXII. Whenever regular courts of justice shall be established in the Seminole Nation the official acts of all its judical officers shall have the same effect, and be entitled to the like faith and credit everywhere, as the like acts of judicial officers of the same grade and jurisdiction in any one of the Confederate States; and the proceedings of the courts and tribunals of the said nation, and copies of its laws

and judicial and other records, shall be authenticated like similar proceedings of the courts of the Confederate States and the laws and office records of the same, and be entitled to the like faith and credit.

ART. XXXIII. It is hereby declared and agreed that the institution of slavery in the Seminole Nation is legal and has existed from time immemorial; that slaves are taken and deemed to be personal property; that the title to slaves and other property having its origin in the said nation shall be determined by the laws and customs thereof, and that the slaves and other personal property of every person domiciled in said nation shall pass and be distributed at his or her death in accordance with the laws, usages, and customs of the said nation, which may be proved like foreign laws, usages, and customs, and shall everywhere be held valid and binding within the scope of their operations.

ART. XXXIV. No ex post facto law or law impairing the obligation of contracts shall ever be enacted by the legislative authority of the Seminole Nation to affect any other persons than its own people; nor shall any citizen of the Confederate States or member of any other Indian nation or tribe be deprived of his property, or deprived or restrained of his liberty, or fine, penalty, or forfeiture be imposed on him in the said country, except by the law of the land, nor without due process of the law; nor shall any such citizen be in any way deprived of any of the rights guaranteed to all citizens by the Constitution of the Confederate States; and it shall be within the province of the agent to prevent any infringement of such rights and of this article, if it should in any case be necessary.

ART. XXXV. It is hereby further agreed that the Congress of the Confederate States shall establish and maintain post-offices at the most important places in the Seminole Nation, and cause the mails to be regularly carried, at reasonable intervals, to and from the same, at the same rates of postage and in the same manner as in the Confederate States.

ART. XXXVI. It is further agreed by the said Confederate States that the said Seminole Nation shall never be required or called upon to pay, in land or otherwise, any part of the expenses of the present war, or of any war waged by or against the Confederate States.

ART. XXXVII. In order to enable the Creek and Seminole Nations to claim their rights and secure their interests without the intervention of counsel or agents, and as they were originally one and the same people and are now entitled to reside in the country of each other, they shall be jointly entitled to a Delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a member of one of said nations, over twenty-one years of age, and laboring under no legal disability by the law of either nation; and each Delegate shall be entitled to the same rights and privileges as may be enjoyed by the Delegate from any Territory of the Confederate States to the said House of Representatives. Each shall receive such pay and mileage as shall be fixed by the Congress of the Confederate States. The first election for Delegate shall be held at such time and places, and be conducted in such manner as shall be prescribed by the agent of the Confederate States for the Creeks, to whom returns of such election shall be made, and he shall declare the person having the greatest number of votes to be duly elected and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections the times,

places, and manner of holding them and ascertaining and certifying the result shall be prescribed by law of the Confederate States.

ART. XXXVIII. It is hereby ascertained and agreed by and between the Confederate States and the Seminole Nation that the United States of America, of which the Confederate States were heretofore a part, were, before the separation, indebted and still continue to be indebted to the Seminole Nation in the following sums annually, and bound to the punctual payment thereof to them, on the thirteenth [thirtieth] day of December in each year, that is to say:

Perpetual annuities, amounting to the sum of $25,000, being the annual interest at the rate of 5 per cent. per annum on the two sums of $250,000 each, which were, by the eighth article of the treaty of the seventh day of August, A. D. one thousand eight hundred and fifty-six, to be invested by the United States at that rate of interest, and the interest to be regularly paid over to the nation per capita as annuity, no part of which was ever invested.

And the sums of $3,000 for the support of schools, $2,000 for agricultural assistance, and $2,200 for the support of smiths and smith shops among the Seminoles, which were by the same treaty to be paid annually for ten years from and after the making of the said treaty.

And it is hereby further ascertained and agreed that there was due to the Seminole Nation from the United States of America, on the thirtieth day of December, A. D. one thousand eight hundred and sixty, on account of said annual payments and the arrearages thereof, the sums following, that is to say:

For arrearages of the said sum of $3,000 annually for the support of schools, from the seventh day of August, A. D. one thousand eight hundred and fifty-six, until and including the payment for the thirtieth day of December, A. D. one thousand eight hundred and sixty, $13,000.

The sum of $2,000 for agricultural assistance and the sum of $2,200 for the support of smiths and smith shops, both payable on the day last mentioned.

And it not being desired by the Confederate States that the Seminole Nation should continue to receive these annual sums from the Government of the United States, or otherwise have any further connection or communication with that Government, and they being willing for the benefit and improvement of the Seminole people to extend the time during which the said annual sums of $3,000 for the support of schools and of $2,200 for the support of smiths and smith shops shall be paid; therefore, the said Confederate States of America do hereby assume the payment for the future of the above-recited annuity and annual payments, and do agree and bind themselves regularly and punctually to pay the same in manner following, that is to say:

The said annuity or annual interest of $25,000 annually forever, commencing with the thirtieth day of December next, $5,000 thereof annually to the treasurer of the nation, to be used and disbursed as the general council shall direct for governmental and other purposes, and the residue of $20,000 annually per capita to all the individuals of the Seminole Nation, equally and share and share alike: *Provided*, That after the restoration of peace and the establishment and recognition of the independence of the Confederate States, and if it be required by the general council of the Seminole Nation, the capital sum of $500,000, on which the said annual interest is hereby provided

to be paid, shall be invested by the President in safe stocks, at their market value, bearing an annual interest of at least 6 per cent., so that the most advantageous investment possible shall be made for the Seminole Nation; which stocks shall be thereafter held in trust for the Seminole people and the interest thereon collected by the Confederate States and by them paid annually to the Seminoles, $5,000 in each year to the treasurer of the nation, to be applied to such governmental and other purposes as the general council shall direct, and the whole residue per capita to all the individuals of the nation. The said sum of $3,000 for the support of schools annually for twenty years from and after the making of this treaty, beginning with the present year of our Lord, one thousand eight hundred and sixty-one, and payable on the thirtieth day of December in each year, to be expended and applied under the direction of the President of the Confederate States by the agent of the Seminoles.

The said sum of $2,200 for the support of smiths and smith shops annually for ten years from and after the making of this treaty, beginning with the present year of our Lord, one thousand eight hundred and sixty-one, and payable on the thirtieth day of December in each year, to be expended and applied by or under the direction of the general council for the support of smiths and smith shops in the said nation.

The said sum of $2,000 for agricultural assistance annually for five years from and after the making of this treaty, beginning with the present year of our Lord, one thousand eight hundred and sixty-one, and payable on the thirtieth day of December in each year, to be expended and applied, under the direction of the President, in the way of agricultural assistance by the agent of the Confederate States for the said nation.

And the said Confederate States do also agree and bind themselves to appropriate and pay, immediately after the complete ratification of this treaty, the sum of $17,200, the aggregate of the sums which were so due and payable as aforesaid on the thirtieth day of December, A. D. one thousand eight hundred and sixty; the sums of $13,000 and $2,000, part thereof, to be expended and disbursed by the agent, under the direction of the President, the former for the support of schools and the latter in the way of agricultural assistance, and the sum of $2,200, the residue thereof, to be paid to the treasurer of the nation and applied by the general council to the support of smiths and smith shops: *Provided*, That the President shall not be required to expend the whole of said sum of $13,000 at once, but shall apply the same judiciously from time to time and at such times and in such sums as shall seem to him best calculated to diffuse the benefits of education and knowledge among the children of the Seminoles. And it is further agreed by the Confederate States that they will also add to the said sum the further sum of $1,000, to be applied by the agent to the erection of two additional school-houses at suitable points in the Seminole country.

ART. XXXIX. It being alleged by the Seminole people that certain persons among them are entitled to compensation for the loss sustained by them by being dispossessed of a large number of slaves about the year one thousand eight hundred and forty-seven by an illegal order of General Thomas S. Jesup, and which were protected against the claims of the owners by order of that general, at Fort Gibson or elsewhere, for a long time, and until they were delivered up to the United States sub-agent for the Seminoles about the first

of January, A. D. one thousand eight hundred and forty-nine, by virtue of an order from the President, promulgated by the Secretary of War in an order dated fifth of August, one thousand eight hundred and forty-eight, to be by the sub-agent delivered to the chiefs of the Seminoles, who were to decide the right of property in and to said slaves; and that this was done by a decree of the general council of the fifteenth day of May, one thousand eight hundred and forty-nine, by which decree all the slaves and their increase, having formerly belonged to King Payne, were decided to belong to and to be under the control of Micco Nut-cha-sa or Jem Jumper, the principal chief of the nation;

And it being also alleged by the Seminoles that the claims of the various owners of said slaves, so dispossessed of their property and deprived of the use of the same for three years or more, were made out before and filed with Marcellus Du Val, the sub-agent for the Seminoles, prior to the fifth of September, one thousand eight hundred and fifty-four;

And it being alleged by them that fifty of said negroes belonged to Car-pit-cha Micco, now deceased; seven to Chilto, forty to Nelly Factor, and thirty to Eliza Chopco, daughter of Billy Bowlegs;

And it being also alleged by the Seminoles that they could never obtain any consideration or hearing of or for these claims from the Government of the United States, not even at the time of making the treaty of the year of our Lord one thousand eight hundred and fifty-six, on account of the determination of Northern members of the Cabinet and of Congress not to admit any right of property in slaves or pay any claim on account of the seizure or detention of slaves, even to foreign governments;

And the said negroes being alleged to have been illegally seized and detained without warrant of law or color of right, of war, or otherwise:

Therefore, it is hereby further agreed by and on the part of the Confederate States that the said claims shall, at the earliest convenient season, be examined and investigated by the Commissioner of Indian Affairs, who shall do so under the direction of the Secretary of War, and subject to an appeal to him, and from him to the President, in such manner as shall be just and liberal under the circumstances and after such lapse of time, and shall adjudicate the same upon such principles as shall be just and equitable; and if it be upon such investigation ascertained and determined that the slaves in question were illegally detained, then the Confederate States will pay to the several owners or their heirs within a reasonable time such amounts of money as shall be determined to have been justly and equitably due to the said several owners for the loss of service of said slaves during such times as they shall be found to have been so detained, according to the current value of such service in the Seminole country at the time.

ART. XL. Whereas, during the war between the United States and the Seminoles, in Florida, in the years from one thousand eight hundred and thirty-six to one thousand eight hundred and forty——, inclusive, the United States military authorities in Florida compelled July and Murray, two slaves of Sally Factor, now deceased, to serve as interpreters, and retained them in such service and had them in possession for the space of nearly or quite four years until both of them were killed—one by a soldier of the United States and the other by the hostile Seminoles—whereby the owner lost both and their

services for four years; but her claim for compensation could never obtain a hearing or consideration at the hands of the United States, because to pay it would have been to admit the legality of property in slaves, and therefore even an examination of it was refused at the making of the treaty of the year one thousand eight hundred and fifty-six: Therefore, the Confederate States do hereby agree to pay to the heirs of the said Sally Factor, deceased, in full satisfaction for said claim, the sum of $5,000 immediately after the ratification of this treaty.

ART. XLI. It being urged, with much reason, by the authorities of the Seminole Nation that the delegates, forty in number, who went with the Superintendent of Indian Affairs to Florida in one thousand eight hundred and fifty-seven to bring about the removal of the hostile Seminoles, received but an insufficient compensation from the United States for their time and services in the payment of the sum of $200 each for four months' absence from their homes; and the said Confederate States being desirous to leave no just and fair claim of the Seminoles, or any of them, unadjusted, or any of their friends among the red men justly dissatisfied, it is therefore hereby agreed on the part of the Confederate States that they will pay, upon the ratification of this treaty, to the principal chief, John Jumper, or Hin-i-ha Micco, for his services at that time and in consideration of his loyalty at the present time, the sum of $500 for himself and the sum of $1,250 to be equally divided by him among five of the principal men among the said delegates, and will also pay to him for each of the other thirty-four delegates the sum of $100 in full of all their claims and in view of their present loyalty and good faith.

ART. XLII. It is hereby further agreed by the Confederate States that they will pay, upon the complete ratification of this treaty, to the principal chief of the Seminole Nation, to be equally divided by him among the commissioners appointed by the general council and who have negotiated this treaty, the sum of $500 by way of compensation for their time and services therein.

ART. XLIII. To give the Seminoles full and entire assurance of the completeness of their title to their lands, the Confederate States hereby agree that there shall be executed and delivered to the Seminole Nation letters patent of conveyance and assurance of the same, whereby the same shall be guaranteed to them in fee simple forever, with power of disposition, in the language of Article IV of this treaty, under the great seal of the Confederate States, and signed by the President, upon parchment, so that it may not decay or its letters fade.

ART XLIV. A general amnesty of all past offenses against the laws of the United States and of the Confederate States, committed in the Indian country before the signing of this treaty by any member of the Seminole Nation, as such membership is defined in this treaty, is hereby declared, and all such persons, if any, whether convicted or not, imprisoned or at large, charged with any such offense, shall receive from the President full and free pardon and be discharged.

ART. XLV. It is further agreed between the parties that all provisions of the treaties of the Seminole Nation with the United States which secure a guarantee to the Seminole Nation, or individuals thereof, any rights or privileges whatever, and the place whereof is not supplied by and which are not contrary to the provisions of this

treaty, and so far as the same are not obsolete or unnecessary, or repealed, annulled, changed, or modified by subsequent treaties or laws, or by this treaty, are and shall be continued in force as if made with the Confederate States.

ART. XLVI. This treaty shall take effect and be obligatory upon the contracting parties from the first of August, A. D. one thousand eight hundred and sixty-one, whenever it shall be ratified by the Provisional President and Congress, or the President and Senate of the Confederate States.

In perpetual testimony whereof the said Albert Pike, as commissioner with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms, and the undersigned chiefs, headmen, and warriors of the Seminole Nation, and commissioners with plenary powers thereof, on the part of the Seminole Nation, do hereunto set their hands and affix their seals.

Done in duplicate at the place and upon the day in the year first aforesaid.

[SEAL.] ALBERT PIKE,
Commissioner of the Confederate States of America to the Indian Nations West of Arkansas.

John Jumper, principal chief of the Seminole Nation; Pas-co-fa, town chief; George Cloud, town chief; Fos-hut-chi Tus-ti-nuk-ki, town chief; Fos-hut-chi Ha-cho-chi, town chief; O-chi-si Cho-fo-to-a, town chief; Tus-ti-nuk Co-cho-co-ni, town chief; Sa-to-a Hacho, town chief; Cho-fo-top Hacho, town chief; Su-nuk Micco, town chief; Ta-co-sa Fic-si-co, town chief; Hal-pa-ta, town chief; I-ma-thla, town chief.

Signed, sealed, and mutually delivered in our presence.

Wm. Quesenbury, secretary to the commissioner; E. Rector, superintendent of Indian affairs for the Western Superintendency; Samuel M. Rutherford, agent of the Confederate States for the Seminoles; James M. C. Smith, Charles B. Johnson, W. Warren Johnson, W. L. Pike, W. H. Faulkner.

(To the Indian names are subjoined marks.)

A CONVENTION supplementary to the treaty of friendship this day made and concluded at the council-house of the Seminole Nation, on the first day of August, A. D. one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their commissioner, with full powers, of the one part, and the Seminole Nation of red men, by their chiefs, headmen, and warriors in general council assembled, of the other part.

In addition to the said treaty, and by way of separate convention and agreement, it is hereby agreed between the said parties that in consideration of the common interests of the Confederate States and the Seminole Nation, and of the protection and rights secured and guaranteed to the latter by said treaty, the said Seminole Nation will raise and furnish, and the Confederate States will receive into their service, not less than two nor more than five companies of mounted men, to serve in the armies of the Confederate States for twelve months. Each company shall be composed of not less than 64 nor more than 100 men in all. The company officers shall be elected by

the members of the company, and the major commanding by a majority of the votes of all the members of the battalion. The men shall be armed by the Confederate States, receive the same pay and allowances as other mounted troops in the service, and not be moved beyond the limits of the Indian country west of Arkansas, without their consent.

In testimony whereof the said Albert Pike, as such commissioner of the Confederate States, doth hereunto set his hand and affix the seal of his arms, and Hin-i-ha Micco or John Jumper, principal chief of the Seminole Nation, Pas-co-fa, George Cloud, Fos-hut-chi Tus-ti-nuk-ki, Ta-co-sa Fic-si-co, Hal-pa-ta, I-ma-thla, Fos-hut-chi Ha-cho-chi, Sa-to-a Hacho, O-chi-si Cho-fo-to-a, Cho-fo-top Hacho, Su-nuk Micco, and Tus-ti-nuk Co-cho-co-ni, town chiefs, commissioners with plenary powers thereof, on the part of the Seminole Nation, do hereunto set their hands and affix their seals.

Done in duplicate at the Seminole Agency, in the Seminole Nation, on the second day of August, in the year first aforesaid.

[SEAL.] ALBERT PIKE,
Commissioner of the Confederate States of America to the Indian Nations West of Arkansas.

John Jumper, principal chief of the Seminole Nation; Pas-co-fa, town chief; George Cloud, town chief; Fos-hut-chi Tus-ti-nuk-ki, town chief; Fos-hut-chi Ha-cho-chi, town chief; O-chi-si Cho-fo-to-a, town chief; Tus-ti-nuk Co-cho-co-ni, town chief; Sa-to-a Hacho, town chief; Cho-fo-top Hacho, town chief; Su-nuk Micco, town chief; Ta-co-sa Fic-si-co, town chief; Hal-pa-ta, town chief; I-ma-thla, town chief.

Signed, sealed, and mutually delivered in our presence.

Wm. Quesenbury, secretary to the commissioner; E. Rector, superintendent of Indian affairs for the Western Superintendency; Samuel M. Rutherford, agent of the Confederate States for the Seminoles; James M. C. Smith, special interpreter; Charles B. Johnson, W. Warren Johnson, W. L. Pike, W. H. Faulkner.

(To the Indian names are subjoined marks.)

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RATIFICATION.

Resolved (*two-thirds of the Congress concurring*), That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a treaty made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and by the Seminole Nation of Indians, by its chiefs, headmen, and warriors in general council assembled, of the other part, concluded at the Seminole council-house, in the Seminole Nation, on the first day of August, A. D. one thousand eight hundred and sixty-one, with the following amendments:

I. Add at the end of Article XXX the following words, "and the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article in respect to suits and proceedings in their respective courts."

II. Strike out from Article XXXVII the following words, "the same rights and privileges as may be enjoyed by the Delegates from any Territory of the Confederate States to the said House of Representatives," and insert in lieu thereof the following words, "a seat in the Hall of the House of Representatives, to propose and introduce measures for the benefit of said nations and to be heard in regard thereto and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

III. Strike out from Article XXXVIII the following words, "or in a State court," and insert in lieu thereof the following words, "or in a State court, subject to the laws of the State."

Resolved further (*two-thirds of the Congress concurring*), That the Congress do also advise and consent to the ratification of the convention, supplementary to the aforesaid treaty with the Seminoles, made by the same parties of each part and concluded at the same time and place with the same.

NOTE.—The foregoing treaty, together with the amendments, was duly ratified by the Seminole Nation.

ATLANTA, *August 1, 1861.*

President JEFFERSON DAVIS.

In view of the emergency I am obliged to yield the brigade organization, as I am determined to send the troops to the field. I consolidate the rifle battalion and cavalry and form a legion, which General Phillips will command as colonel. You consent that the artillery battalion of five companies, all armed with muskets, and half a battery of brass pieces, be attached to the legion, and would you give three more guns to complete the battery? I will commence shipping the troops Saturday. Where shall they go? Please answer immediately.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,
Nashville, August 1, 1861.

Hon. L. P. WALKER,
War Department, Richmond:

SIR: Hon. George Gantt laid before me your letter of 26th ultimo, upon the subject of transferring the provisional army of Tennessee to the Confederate States.* The transfer is now being made as rapidly as Confederate officers can verify our rolls by the inspection of our regiments, and I hope will be completed within a few days

There is in the hands of our quartermaster and commissary-generals a large amount of army supplies which, of course, must be transferred with the army, and in this connection I wish to suggest to you the propriety of establishing at Nashville a general depot of army supplies. In my opinion no better point for such depot can be selected in the Confederate States. If this policy shall be adopted by the Government the two gentlemen now at the head of these departments should be continued at the head of their respective depots. They are very efficient and reliable men. If, however, the Department shall determine not to continue them, then it is impor-

*See Series I, Vol. IV, p. 375.

tant that some authorized agent of the Government come here immediately for the purpose of taking an inventory and receipting for such supplies as are on hand in these departments.

In your letter to Mr. Gantt you say, upon the subject of army appointments, that "Governor Harris has already been requested, in a letter from the President, to present his recommendations for these appointments." I have only to say that the letter of the President referred to has never come to hand, but in obedience to what I understand to be the wish of the President, from your letter, I herewith transmit a list of the various persons appointed by me whose appointments have been confirmed by the General Assembly to the various official positions connected with the provisional army of Tennessee, the reappointment of all of whom I earnestly recommend except the few that I have marked on the list "Not to be reappointed."* Such as are thus marked I cannot recommend.

I regard it as a matter of importance that the army of Tennessee should be organized into brigades and divisions and commanded by Tennesseeans. Identified as we are by a common interest, sympathy, reputation, and long association, our troops will be more efficient and vastly more contented when thus organized and commanded. I hope, therefore, that the organization will take place immediately, and a sufficient number of generals be appointed from the State to command them.

The President has already appointed five brigadier-generals from Tennessee—Pillow, Anderson, Donelson, Zollicoffer, and Cheatham. I trust that he may find it consistent with his sense of duty to appoint Robert C. Foster, John L. T. Sneed, and W. R. Caswell, all good and true men, and each has discharged the duties of his position well and faithfully in the organization of the provisional army of the State. In this connection you must allow me to suggest through you to the President that General Pillow would be more efficient and can render more important service to the cause as a major-general than he can as a brigadier; and in view of his ability, experience, and past services in that position during the Mexican war, I feel that he is entitled to the appointment and hope that it may be made.

The medical staff of our army was selected with great care and I am sure will not be excelled, if indeed it is equaled, in any State of the Confederacy. It is a matter of importance to the army that it be continued intact.

Very respectfully,

ISHAM G. HARRIS.

AN ACT to make provision for the care of supplies for the sick and wounded.

The Congress of the Confederate States of America do enact, That the Secretary of War shall forthwith appoint a clerk in the office of the Surgeon-General to take charge of all hospital supplies and other articles which may be contributed for the use of the sick and wounded; and the same to dispose of, according to the wishes of the contributors, under the direction of the Medical Department of the Army; the salary of said clerk not to exceed $1,000; and the said clerk shall be authorized, under the direction of the Surgeon-General, to procure and fit up a proper place for the safe-keeping and proper disposal of the said articles.

Approved August 2, 1861.

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* List not found.

AN ACT to provide for an additional field officer to volunteer battalions, and for the appointment of assistant adjutants-general for the provisional forces.

Be it enacted by the Congress of the Confederate States of America, That the eighth section of the act of March sixteenth, eighteen hundred and sixty-one, "to provide for the public defense," be, and the same is hereby, so far amended that whenever battalions of volunteers in the service of the Confederate States shall consist of not less than six companies, there may be allowed, in the discretion of the President, to each battalion so constituted two field officers, one with the rank of lieutenant-colonel and the other with the rank of major.

SEC. 2. That the President be, and he is hereby, authorized to appoint for the volunteer forces in the Confederate service as many assistant adjutants-general as the service may require, whose rank shall correspond with the rank of the assistant adjutants-general in the Regular Army, and who shall receive the same pay and allowances, according to their respective grades.

Approved August 2, 1861.

AN ACT to extend the provisions of an act entitled "An act to prohibit the exportation of cotton from the Confederate States, except through the sea-ports of said States, and to punish persons offending therein," approved May twenty-one, eighteen hundred and sixty-one.*

The Congress of the Confederate States of America do enact, That the provisions of the above-recited act be, and the same are hereby, extended and made applicable to the exportation of tobacco, sugar, rice, molasses, sirup, and naval stores from the Confederate States from and after the tenth day of August next.

Approved August 2, 1861.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 2, 1861.

W. S. TURNER,
Helena, Ark.:

SIR: In reply to your letter of the 17th of July I am directed by the Secretary of War to say that this Department is not prepared to accept the negro regiment tendered by you, and yet it is not doubted that almost every slave would cheerfully aid his master in the work of hurling back the fanatical invader. Moreover, if the necessity were apparent there is high authority for the employment of such forces. Washington himself recommended the enlistment of two negro regiments in Georgia, and the Congress sanctioned the measure. But now there is a superabundance of our own color tendering their services to the Government in its day of peril and ruthless invasion, a superabundance of men when we are bound to admit the inadequate supply of arms at present at the disposal of the Government.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

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*See p. 341.

RICHMOND, *August 2, 1861.*

Governor JOSEPH E. BROWN,
Atlanta, Ga.:

Thanks for your decision as to the troops. The riflemen and cavalry—say ten companies—can be well organized as a voltigeur regiment, but if there be five companies of each it is not well to organize artillery with infantry, as in the service of large armies they must soon be separated. Can furnish the three guns to complete the battery, and give more if you have other companies instructed as artillery. We have need of all the armed troops you can send. The artillery battalion, armed with muskets, will be accepted to serve as infantry if you so wish it. Let the troops now offered proceed to Lynchburg, where they will receive further orders.

JEFF'N DAVIS.

EXECUTIVE DEPARTMENT,
Richmond, August 2, 1861.

Hon. L. P. WALKER,
Secretary of War, Confederate States of America:

SIR: Your letter of the 1st instant, inclosing a copy of one of the 29th ultimo, has been received by the Governor. He instructs me to inform you that he has appointed John R. Tucker, the attorney-general of the State, to act in conjunction with Major Gorgas in making the transfer of the State armory and machinery, and to make the necessary arrangements and agreements therefor. He will have full power to act for the Commonwealth and to sign all proper papers. He is ready to meet Major Gorgas at such time and place as he may suggest.

Very respectfully,

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

RICHMOND, *August 3, 1861.*

To the PRESIDENT OF CONGRESS OF CONFEDERATE STATES:

SIR: I have reliable information that a considerable force of Missourians now co-operating with our troops near the northern frontier of Arkansas are destitute of the supplies necessary to their efficiency, and that the enemy have such power within the limits of the State as to deprive its Government of the capacity to give to said force the needful relief. Under the circumstances I recommend the enactment of a law appropriating, say, $1,000,000 to supply the Missourians who are or may be co-operating with us with such clothing, subsistence, arms, and ammunition as may be necessary for them, and which it may be practicable to furnish. The same to be supplied under such regulations as Congress may determine.*

JEFF'N DAVIS.

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*For act passed in compliance with this recommendation, see Series I, Vol. LIII, p. 721.

AN ACT to amend an act entitled "An act to make further provisions for the public defense," approved eleventh May, one thousand eight hundred and sixty-one, and to amend an act entitled "An act to increase the military establishment of the Confederate States," and to amend the "Act for the establishment and organization of the Army of the Confederate States of America."

The Congress of the Confederate States of America do enact, That the third section of the act entitled "An act to make further provision for the public defense," approved eleventh May, one thousand eight hundred and sixty-one, be amended by striking out of said section the words, "detailed from the Regular Army;" and further, that the ninth section of the act entitled "An act to increase the military establishment of the Confederate States," and to amend the "Act for the establishment and organization of the Army of the Confederate States of America," approved sixteenth May, one thousand eight hundred and sixty-one, be amended, by adding thereto the following clause, "and that the President may, in his discretion, upon the application and recommendation of a major-general or brigadier-general, appoint from civil life persons to the staff of such officer, who shall have the same rank and pay as if appointed from the Army of the Confederate States."

Approved August 3, 1861.

SPECIAL ORDERS, No. 114.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, August 3, 1861.

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VI. Maj. Danville Leadbetter, Corps of Engineers, will immediately repair to this city and take charge of the Engineer Bureau.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

EXECUTIVE DEPARTMENT,
Nashville, Tenn., August 4, 1861.

His Excellency B. MAGOFFIN,
Governor of Kentucky:

SIR: From the date of the proclamation of Your Excellency declaring the neutrality of Kentucky it has been the settled policy of the authorities of Tennessee to respect Kentucky as a neutral power, and to carefully avoid all acts that could be construed into a violation of any of her rights as such. This policy has been adhered to with perfect fidelity, and will be adhered to by Tennessee as long as the people of Kentucky will act the part of neutrals and the Federal Government respect their neutrality.

But it is proper that I call the attention of Your Excellency to the fact that each day brings its accumulation of evidence forcing me to the conclusion that the Federal Government is organizing military companies, battalions, and regiments in the State of Kentucky for the avowed purpose of invading Tennessee, and transporting arms and munitions to some of her rebellious citizens, thus aiding and encouraging the rebellion.

It requires no argument to prove to Your Excellency that this is a gross and palpable violation of the principles of neutrality which Kentucky has declared she would maintain, and which I doubt not it is the purpose of Your Excellency to maintain fully and in good faith. I therefore call the attention of Your Excellency to the matter, feeling assured that Your Excellency will institute such investigations as will develop whatever action as is being taken within your State, and take such steps as will prevent any organization in Kentucky for the purpose of aiding or abetting the Federal Government in this wicked war that it wages for the purpose of crushing and subjugating the Southern States.

I have the honor to be, very respectfully, yours, &c.,

ISHAM G. HARRIS.

AN ACT to authorize advances to be made in certain cases.

The Congress of the Confederate States of America do enact, That the Secretary of War, with the approbation of the President, be authorized during the existence of the present war to make advances upon any contract, not to exceed 33⅓ per cent., for arms or munitions of war: *Provided*, That security be first taken, to be approved by the Secretary of War, for the performance of the contract, or for a proper accounting for the said money.

Approved August 5, 1861.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 5, 1861.

Mr. D. M. K. CAMPBELL,
Butler, Choctaw County, Ala.:

SIR: In reply to your communication of the 26th of July I am directed by the Secretary of War to state that every citizen who can wield a weapon is needed now for the defense of his invaded country. There can scarcely be a doubt that ample opportunities will be afforded, according both with policy and necessity, to retaliate in a legitimate and proper manner upon the despoilers of our people. Nevertheless, the officers and men of all military organizations formed within the limits of the Confederate States, if they would have the countenance and protection of the Government, must conform strictly to the laws and usages of civilized nations, which have been adopted by the Government for its guidance and control. They must be commissioned and paid by the Government and subject to its orders, in complete subordination to its authority. Without this recognition of the supremacy of the civil power of the state the Government would possess no right to interfere in your behalf if you were to fall into the hands of the enemy and be subject to all the cruelties inflicted upon alleged outlaws or pirates. The President would not be warranted in visiting such treatment upon the prisoners in his hands as a proper retaliation, unless, indeed, there should be a similar departure of the enemy from the usages of warfare practiced by civilized nations. It is true there is too much reason to apprehend the most barbarous conduct on the part of the Northern aggressors—conduct which may render it obligatory on our part to treat them with the utmost severity—and if this be the case you would have abundant opportunities

to participate in the captures, forfeitures, and confiscations which must inevitably follow in the train of such a conflict inaugurated by the enemy. Then why should you not organize a corps of just avengers, and be guided in all things by the wisdom and impartial adjudication of the Government? I would therefore suggest that your company be armed and tendered for the war in the usual way, not doubting that opportunities will be afforded for the exercise of the undaunted spirit of high-toned Southern retribution which seems to have inspired your proposition.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

NEW ORLEANS, *August 6, 1861.*

Hon. L. P. WALKER,
Secretary of War, Richmond:

SIR: I have two regiments which will be ready in four days, one being for the war, the other for twelve months. The companies in process of formation, to constitute the next and last two regiments, will also be some for the war and some for twelve months. The war companies form very slowly. You will have to arm all of these last two regiments. I hope you will order your officers here to receive these companies as soon as they are formed.

Very respectfully, your obedient servant,

THO. O. MOORE,
Governor.

HEADQUARTERS SOUTH CAROLINA,
August 6, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I received notice from General Gist that you desired the nomination of four quartermasters and commissaries, or two quartermasters and two commissaries. In conformity with that I sent on the names of Col. C. H. Suber, Col. J. S. Green, Sanders Glover, former assistant quartermaster under our State quartermaster-general, and Col. M. A. Moore. You sent on a commission for Colonel Suber, and Colonel Green goes on to see as to the others. The camps of instruction for the 3,000 men are forming, and it is essential that some preparation shall be made immediately for them. If you authorize Colonel Green he will attend properly to it all. I suppose you do not intend to combine quartermaster and commissary in the same man. Can we have any prospect of receiving arms for these 3,000 men, and particularly for the artillery companies you have directed to be attached? I can find seven fine pieces, and will rifle them immediately if I could get horses, harness, and caissons. I have here twenty horses belonging to the State, and could let you have them if you desire them. By giving me authority I will equip as far as I can from the State with what we may have if you will authorize me to advance horses and let me know as to harness, caissons, &c. I think I could then make a superior battalion of artillery, which is absolutely necessary. You wrote me to have them elect their field officers (the 3,000 men), as you appoint Colonel Gregg and his officers, and I have so ordered. This

makes many active in raising the men who otherwise would not be. Be so kind as to give Colonel Green your earliest attention, and let him have immediate instructions.

Very respectfully, yours, truly,

F. W. PICKENS.

EXECUTIVE DEPARTMENT,
Richmond, August 6, 1861.

Hon. L. P. WALKER,
Secretary of War, Confederate States of America:

SIR: The Governor received last evening your letter dated the 1st instant and directs me to inform you that to carry out the views expressed in your letter he has appointed Col. Charles Dimmock to co-operate with J. R. Tucker, esq., who are authorized to confer with Col. A. T. Bledsoe and Maj. J. Gorgas, and by written agreement to secure a full and fair settlement of all questions which may arise in the proposed transfer of the use of the State armory, machinery, &c., to the Government of the Confederate States.

Very respectfully,

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

WAR DEPARTMENT,
Richmond, Va., August 7, 1861.

SIR: The war existing between this Government and that at Washington will probably be prolonged during the coming winter, and in view of the rigor of the climate at that season on the line of the seat of war it is desired that our soldiers shall be well supplied with clothing. You are therefore requested to cause the quartermaster's department to have made up at an early day, to the extent of your ability, woolen clothing to supply the needs of the Army, to be charged to this Government. The necessity of this provision to meet the demands of the Army will be apparent to Your Excellency, and I am quite sure the measure proposed will receive your approbation and that you will respond to it with alacrity. I must, however, say that this Department is doing everything in its power to provide clothing, and I have gone so far, in the absence of positive affirmative legislation upon the subject, as to assume the responsibility of directing the Quartermaster-General of the Confederate States to contract for the supplies that may be required. But Your Excellency is doubtless aware of the difficulties in the way of procuring a full provision in consequence of the blockade of our ports preventing importations and the limited quantity of goods in the general market. Hence it is the State governments are earnestly solicited to co-operate with our exertions to place the future beyond all doubt.

L. P. WALKER,
Secretary of War.

(Addressed severally to the Governors of Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.)

ATLANTA, *August 7, 1861.*

President JEFFERSON DAVIS:

I can get no response from the Secretary of War to my letters or telegrams about the two new camps of instruction which he requires. I have recommended commissaries, quartermasters, and surgeons as he requested. All ready to order out the troops at once if officers are appointed to take charge of them. Will the appointments be made? When do you wish the 3,000 men ordered into camp? Please answer.

JOSEPH E. BROWN.

MEMPHIS, TENN., *August 7, 1861.*

President DAVIS:

I have just seen two New Orleans chemists, to whom I gave facilities for examining the saltpeter caves on the White River. They have made the examination, and report to me that any amount may be had there; that the mines are badly worked, and that private enterprise cannot work them. They report that the Government is now paying 25 cents per pound for that which it can itself make for 10 cents, and that if this succeeds it must be done by Government, as powder, also in possession, is now the great want. I submit that these caves be taken possession of immediately and worked on Government account.

POLK.

NASHVILLE, *August 7, 1861.*

Hon. L. P. WALKER:

SIR: I have just received from our superintendent the following message, dated Jackson, Miss., August 7:

> Would it not be well to telegraph to the Secretary of War that we are embarrassed for operators? I am so now, and if authorized at Richmond don't by persuasion or law I have fears for the public service [*sic*].
>
> D. FLANNERY.

There are a very limited number of practical operators in the Confederacy, and from the beginning they have shown strong proclivities to join the Army. All of the Northern sympathizers have left, and if those of Southern feeling are taken into the Army we shall have none to operate the lines. The Governors of Louisiana and Mississippi discharged a number who had volunteered, and they returned to service. I suppose the Governors have not authority now. General Pillow went further, and detailed some to specified service on the line. We respectfully ask the adoption of some policy that will secure the efficiency of our lines, now doing little else than public service.

N. GREEN,
President.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., August 7, 1861.

JOEL J. JONES, JACOB GILLESPIE, and DAVID F. ROBERTSON,
Committee, Fayetteville, Tenn.:

GENTLEMEN: I have received and read with profound emotion your patriotic and timely letter of the 29th of July, relative to the subject

of winter clothing for our soldiers and presenting the generous action of the citizens of Lincoln County thereon. In answer it gives me pleasure to inform you that this Department has not been unmindful of the matter engaging your solicitude, and since the receipt of your communication it has been further revolved in my mind. The inclosed copy of a circular letter addressed to each Governor of the Confederate States will bring to your knowledge my action in the premises.* You will see that in the absence of positive affirmative legislation on the subject I have assumed the responsibility of directing the Quartermaster-General of the War Department to contract for all good and substantial winter clothing he may be able to procure. But although every exertion will be put forth here to supply with comfortable winter clothing the needs of our soldiery, yet, for the reasons stated by yourselves, there will be great difficulty in securing abundant supplies; and in view of the possible deficiencies that may exist, notwithstanding our best exertions, each State Executive has been requested to bring actively to the aid of this Department his own quartermaster establishment, to the extent of supplying the volunteers in our service from the State especially represented by each one of them so far as it can be done. We sincerely trust that all of them will co-operate with us and that all good citizens will co-operate with them. It would be best for you to transmit to His Excellency Isham G. Harris, the Governor of Tennessee, the proceedings of the citizens of Lincoln County you have sent to me, and to lend him that generous assistance you have proffered here. That he will be an earnest co-worker with myself I have no doubt.

Highly appreciating your motives, your feelings, and your resolutions, I remain, gentlemen, with high regard and consideration,

L. P. WALKER,
Secretary of War.

AN ACT to authorize the President of the Confederate States to grant commissions to raise volunteer regiments and battalions composed of persons who are or have been residents of the States of Kentucky, Missouri, Maryland, and Delaware.

The Congress of the Confederate States of America do enact, That the President of the Confederate States be, and he is hereby, authorized to grant commissions to officers above the grade of captain to such persons as he may think fit, to raise and command volunteer regiments and battalions for the service of the Confederate States, said regiments and battalions to be composed of persons who are or have been residents of the States of Kentucky, Missouri, Maryland, or Delaware, and who have enlisted or may enlist under said officers, upon the condition, however, that such officers shall not hold rank or receive pay until such regiments or battalions have been raised and are mustered into service.

Approved August 8, 1861.

[AUGUST 8, 1861.—For act of Congress respecting alien enemies, see Series II, Vol. II, p. 1368.]

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*See p. 534.

AN ACT further to provide for the public defense.

The Congress of the Confederate States of America do enact, That in order to provide additional forces to repel invasion, maintain the rightful possession of the Confederate States of America, and to secure the independence of the Confederate States, the President be, and he is hereby, authorized to employ the militia, military, and naval forces of the Confederate States of America, and to ask for and accept the services of any number of volunteers, not exceeding 400,000, who may offer their services, either as cavalry, mounted riflemen, artillery, or infantry, in such proportions of these several arms as he may deem expedient, to serve for a period of not less than twelve months, nor more than three years after they shall be mustered into service, unless sooner discharged.

SEC. 2. That whenever the militia or volunteers are called and received into the service of the Confederate States, under the provisions of this act, they shall be organized under the act of the sixth of March, one thousand eight hundred and sixty-one, entitled "An act to provide for the public defense," with the same pay and allowances of said act, and the same time for the service of the militia.

SEC. 3. Nothing in this act shall be construed to extend to or in any wise to alter any act heretofore passed, authorizing the President to receive troops offered directly to the Confederate States for the war, or for any less time.

Approved August 8, 1861.

RICHMOND, VA., *August 8, 1861.*

Governor BROWN,
Atlanta, Ga.:

You dispatched the President I do not answer your telegrams or letters. I have answered both.

L. P. WALKER.

[AUGUST 8, 1861.—For Walker to Polk, authorizing acceptance for the war of all infantry that are armed, or that can be armed, and such cavalry as may be required, see Series I, Vol. IV, p. 383.]

ATLANTA, *August 9, 1861.*

Hon. L. P. WALKER:

Your letter I have not received; only got your telegram yesterday evening. It was dated, however, then, the 5th—the fault of the line, it seems, not your fault.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,
August 9, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I have received your letter of the 7th instant and beg leave to say in reply that it will give me pleasure to aid in furthering the

object you have in view. You are aware that when the transfer was made by Virginia to the Confederate Government our organized quartermaster's department was absorbed, and since that time we have had no organization of this description in existence. To effect the object desired it will be indispensable for me to institute a new organization to be charged with the execution of this work. I desire, therefore, further information on several points. First. What sort of clothing you desire me to have prepared, whether coats, overcoats, vests, or pantaloons, or full suits embracing all necessary clothing for the soldier. Second. What description of material is on hand, and will it be furnished to our quartermaster to be made up, or is it expected that we are to furnish the material? It will be better, in my judgment, that we shall so divide the labor in preparing the clothing as not to have the two organizations in the market competing for the necessary cloths. If we both become purchasers, the inevitable result will be that the prices will be greatly enhanced.

Respectfully,

JOHN LETCHER.

QUARTERMASTER-GENERAL'S DEPARTMENT,
Richmond, Va., August 10, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: In reply to your communication of this day directing me to report "what arrangements have been made with railroad companies for the transportation of troops and military freight, at what price, and how payment is made," I have the honor to state that, in accordance with the resolutions of the convention of railroad presidents at Montgomery, transportation for the Government over all the railroads in the Confederate States is performed at the following rates, viz, men at 2 cents per mile, munitions of war and other army supplies at half the local rates, and that payment is made the several railroad companies for this service in bonds of the Confederate States. The above rates have been adopted by the various railroad companies of the States that have since come into the Confederacy.

I am, sir, very respectfully, your obedient servant,

A. C. MYERS,
Acting Quartermaster-General.

LONDON, *August 11, 1861.*

Hon. L. P. WALKER,
Secretary of War:

SIR: We have the honor to submit to you the following joint report: Prior to the receipt of Major Gorgas' letter of the 21st of June, addressed to Captain Huse, our movements were very greatly embarrassed. The agents of the enemy had the advantage of precedence in time and in having at their command large sums of money for immediate operations. We had the mortification of learning every day of new contracts entered into by them for arms and accouterments, of which contracts they are now receiving the fruits. We were powerless to stop them, although we not only knew the names of the contractors, but saw the cases of goods in some instances packed and ready for shipment with the outside marks upon them. All that we could do was

to bring the facts to the notice of the honorable commissioners, and this much we did.

In compliance with our instructions we have directed our attention to no one country in particular, but have made inquiries for arms in every country in which there appeared any probability of obtaining them. When Captain Huse first arrived in England he met General Fair, late U. S. minister to Belgium, and satisfied himself that nothing for immediate service could be obtained from that country. General Fair was certain from personal inquiry that all the establishments at Liege had more than they could do for several months. As the general had made direct inquiry with the view of obtaining arms for the State of Alabama, and as it was known that all through Europe the Liege manufacturers had the reputation of furnishing arms of the worst possible quality, it was deemed best not to give any further attention in that direction for the present. It was found that the $150,000 which was at first remitted would be well spent in England. Steps were accordingly taken with that end in view. Nothing ready manufactured was to be found. The attempt to contract with the London Armory Company failed, as you were informed in a previous dispatch from Captain Huse, the British Government declining to consent to an extension of time for the completion of their own contract. The principal manager of that company, Mr. Hamilton, of the firm of Sinclair, Hamilton & Co., is a merchant of the highest respectability, and is acquainted with every gunmaker in England. He was willing to undertake to obtain as many rifles as possible for us in consideration of receiving a commission of 2½ per cent. on the amount of the purchases. As the only possible chance of getting any arms was to purchase them from the small manufacturers scattered over England, but principally working in Birmingham, and as the agents purchasing for the United States and for the individual Northern States were men quite well informed concerning the trade, we did not hesitate to make the arrangement. Accordingly $100,000 was deposited in bank, to be used by Sinclair, Hamilton & Co. in purchasing arms for the Confederacy. The remaining $50,000 was reserved, to be used as opportunity might offer. Sinclair, Hamilton & Co. at once entered upon the business, and in everything they have done we have reason to be more than satisfied. Without their assistance we would be in the hands of a class of contractors who are bound only when they are obliged to be. Sinclair, Hamilton & Co. have nearly exhausted the amount deposited, and an additional $125,000 has been placed to their credit. We submit with this report a statement from them of the number of arms already obtained and of the number they expect to have ready in time for another shipment.

Your communication of June 21 directs our attention toward Spain as a country from which we may be able to obtain arms. As Colonel Preston, late U. S. minister to Madrid, was in London at the time of the receipt of your letter, application was made to him by Captain Huse for information on that point. Colonel Preston assured him that it would be only throwing away time to go to Spain for weapons; that he was well acquainted with the armament of the country, and that Spain had no arms to spare, and if she had they would be found worthless. Knowing that Colonel Preston had considerable practical experience with small-arms, and having every reason to regard him as entirely friendly to the Confederacy, we have dismissed from our minds all hope of procuring supplies in Spain, but shall not relax our efforts to obtain further information on the subject.

As regards France, offers of arms had been made in that country, and although we had every reason to believe that it was hopeless to look for serviceable arms there, we would have laid ourselves open to censure had we failed to make an effort there. Accordingly, having completed our arrangements in England, we visited Paris together. Immediately on our arrival we called on parties said to have the control of quantities of arms. They reported to us that they could furnish them to any limit, and that they would be of the same quality as those furnished to the French army—in fact, that they would be taken direct from the French arsenals. Believing that if the Government had any arms to dispose of we could obtain them without the assistance of middlemen, who in such cases make enormous profits, application was made to Judge Rost, commissioner of the Confederate States, to obtain information direct from official sources within his reach. A copy of a letter from Judge Rost is herewith inclosed,* from which it will be seen that there are no arms to be furnished in France. While in Paris intelligence was received by telegraph from Messrs. Fraser, Trenholm & Co. that money had arrived from home and that our presence was required in Liverpool. It was not thought advisable for both of us to leave Paris immediately, since it was at that time by no means certain that we would not be able to procure arms from the French arsenals. Accordingly Major Anderson repaired to Liverpool, leaving Captain Huse in Paris to prosecute inquiries. We found Judge Rost ready and anxious in every way to assist us. He obtained permission for us to visit Vincennes Arsenal and the several fortifications about Paris. Captain Huse only was enabled to avail himself of the permit, and he visited Vincennes only, having been recalled to England by a dispatch from Major Anderson to repair immediately to Liverpool. We found in Liverpool that there would be an opportunity to ship material to the Confederacy within a few days, and though the time to elapse before the sailing of the ship was very short, we determined to make the best use of a portion of the money just received in the prosecution of the orders of the Department. The accompanying invoices will show the amount and character of the muskets and munitions shipped.* It will be observed that incomplete sets of equipments are forwarded. This we have done, knowing that the deficiencies could be supplied at home if the urgency of the case required. The parts necessary to complete every set will be forwarded by the next shipment, which we hoped will be made in a few weeks. Leather in large quantities for harness has been forwarded. It is generally of a character adapted to artillery harness. Buckles, thread, awls, knives, &c., for manufacturing are also included in the shipment. Bits to a very limited extent only we were enabled to obtain at so short a notice. There are also a few sets of artillery harness (ten double). Twelve pieces of light 12-pounder field artillery, rifled, of the Blakely manufacture, same as the gun which gave such general satisfaction at Sumter, constitute a portion of the shipment. A considerable quantity of solid shot and segmented shells accompany. The vessel by which we are shipping will not take gunpowder in barrels. We are therefore forced to reserve fifty barrels of cannon and twenty barrels of rifle powder for the next opportunity. We had no orders for cartridge paper, but feel confident that the purchase of enough for the manufacture of 200,000 cartridges will not be disapproved. One saddle, shipped with the leather, is the latest pattern adopted for the British cavalry. With the knapsacks is one complete British

*Not found.

infantry soldier's kit, with the price of each article marked. The prices are those at which the contractors are prepared to furnish any quantity required.

In France every effort was made to obtain drawings of the French field artillery without success. Since our return to England we have succeeded in obtaining tracings of the gun carriage and limber, which we inclose,* believing that with very slight modifications they will be useful in manufacturing carriages for the 12-pounders purchased. We have not been able to obtain drawings of the caissons, but with what is sent it is believed but few difficulties will arise in constructing them. The field guns were purchased the day before the receipt of the news of the victory at Manassas. Had we deferred the matter one day it is probable we would have decided to reserve the money for other purposes. The ranges corresponding to elevation, from one degree to seven degrees, inclusive, are inclosed.* The pieces are very superior.

It may not be improper to mention that the news of the Manassas victory was received in Liverpool on Sunday morning, 3d of August. As soon as it came to our notice, and several hours before it was generally known, we drove to the residence of Mr. Prioleau, about four miles from the town, where we knew there was a Confederate flag. Mr. Prioleau was absent at the time of our arrival, but we had no difficulty in obtaining permission to enter the house and raise the flag, and we believe that we thus had the honor of being the first to celebrate our triumph on this side of the Atlantic by hoisting the flag of the new republic. In connection with this subject we have it from reliable authority that the British Admiralty have sent out Confederate flags to be distributed to each of their vessels of war on the North American station.

We have to acknowledge the receipt of a communication from Mr. Charles Green, of Savannah, Ga., associating him with us in the duties upon which we are now engaged. It will afford us much pleasure to co-operate with Mr. Green, as we know him to be a merchant of great practical ability, and one who can be of material service to us in the civil details of our engagements. He is now in London on a brief visit.

In closing this report it will be sufficient to say that heretofore the Northern Government have up to the present time had the control of the market under the circumstances detailed in the commencement of this letter. We are now, however, on a par with them, and if kept supplied with means will reverse their position by holding the same advantage over them which they enjoyed over us in the beginning. Having looked carefully over all the arms within our reach, we have abstained altogether from the purchase of the old worn-out muskets that have been so greedily bought up by the Northern agents. They are the merest rubbish in the world, very far inferior to the old George Law muskets, and will surely prove more dangerous to those who may venture to use them than to the troops against whom they are pointed. Our purchases have been confined thus far to the Enfield rifle. They have been selected with great care, and we feel assured will give confidence to any soldiers in whose hands they are placed. Our contracts will be coming in rapidly from this time forward, and in the course of the next few weeks we shall have accumulated sufficient supplies to warrant another shipment greater in extent than the one now being made. It may become necessary, in view of the difficulty of obtaining vessels, to unite with Mr. J. D. Bulloch in the purchase

*Not found.

of a fast steamer, sending her over under his command. Such a one can be obtained for a reasonable price. We may not receive all invoices in season to send by first shipment, in which event they will be forwarded by the next opportunity.

Very respectfully, your obedient servants,

EDWD. C. ANDERSON,
Major, Artillery.

CALEB HUSE,
Captain, Artillery.

ARTICLES OF A CONVENTION entered into and concluded at the Wichita Agency, near the False Washita River, in the country leased from the Choctaws and Chickasaws, on the twelfth day of August, A. D. one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their commissioner with full powers, appointed by the President by virtue of an act of the Congress in that behalf, of the one part, and the Pen-e-tegh-ca band of the Ne-um or Comanches, and the tribes and bands of Wichitas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees, and Delawares residing in the said leased country, by their respective chiefs and headmen, who have signed these articles, of the other part.

ARTICLE I. The Pen-e-tegh-ca band of the Ne-um or Comanches, and the tribes and bands of the Wichitas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees, and Delawares now residing within the country north of Red River and south of the Canadian, and between the ninety-eighth and one hundredth parallels of west longitude, leased for them and other tribes from the Choctaw and Chickasaw Nations, do hereby place themselves under the laws and protection of the Confederate States of America in peace and war forever.

ART. II. The Confederate States of America do hereby promise and engage themselves to be during all time the friends and protectors of the Pen-e-tegh-ca band of the Ne-um, and of the Wichitas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees, and Delawares residing, or that may hereafter come to reside, in the said leased country; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State or person whatever.

ART. III. The reserves at present occupied by the said several tribes and bands may continue to be occupied by them if they are satisfied therewith; and if any of them are not the tribe or tribes, band or bands dissatisfied, may select other reserves instead of those now occupied by them, in the same leased country, with the concurrence and assent of the agent of the Confederate States for the reserve Indians, at any time within two years from the day of the signing of these articles.

ART. IV. Each reserve shall be of sufficient extent of good arable and grazing land amply to supply the needs of the tribe or band that is to occupy it; and each shall have a separate reserve, unless two or more elect to settle and reside together and hold their reserves in common. The reserves shall, as far as practicable, be defined by natural boundaries that may be described, and so far as this is not practicable, by permanent monuments and definite courses and distances; and full and authentic descriptions of the reserves shall be made out and preserved by the Confederate States.

ART. V. Each tribe or band shall have the right to possess, occupy, and use the reserve allotted to it as long as grass shall grow and water run, and the reserves shall be their own property, like their horses and cattle.

ART. VI. The members of all the said several bands and tribes of Indians shall have the right, henceforward forever, to hunt and kill game in all the unoccupied part of the said leased country without let or molestation from any quarter.

ART. VII. There shall be perpetual peace and brotherhood between the Pen-e-tegh-ca band of the Ne-um or Comanches, and the tribes and bands of the Wichitas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees, and Delawares, between each of them and each and all of the others; and every injury or act of hostility which either has heretofore sustained at the hands of the other shall be forgiven and forgotten.

ART. VIII. The said several tribes and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by all that the horses, cattle, and other stock and property of each tribe or band and of every person of each, is his or its own, and that no tribe or band nor any person belonging to any tribe or band shall, or will hereafter, kill, take away, or injure any such property of another tribe or band or of any member of any other tribe or band, or in any other way do them any harm.

ART. IX. There shall be perpetual peace and brotherhood between each and all of said tribes and bands and the Cherokee, Mus-ko-ki, Seminole, Choctaw, and Chickasaw Nations; and the chiefs and headmen of each of the said tribes and bands shall do all in their power to take and return any negroes, horses, or other property stolen from white men or from persons who belong to the Cherokee, Mus-ko-ki, Seminole, Choctaw, or Chickasaw Nation, and to catch and give up any person among them who may kill or steal or do any other very wrong thing.

ART. X. None of the laws of the Choctaws and Chickasaws shall ever be in force in the said leased country so as to affect any of the members of the said several tribes and bands, but only as to their own people who may settle therein; and they shall never interfere in any way with the reserves, improvements, or property of the reserve Indians.

ART. XI. It is distinctly understood by the said several tribes and bands that the State of Texas is one of the Confederate States, and joins this convention, and signs it when the commissioner signs it, and is bound by it; and that all hostilities and enmities between it and them are now ended and are to be forgotten and forgiven on both sides.

ART. XII. None of the braves of the said tribes and bands shall go upon the warpath against any enemy whatever, except with the consent of the agent, nor hold any councils or talks with any white men or other Indians without his knowledge and consent. And the Confederate States will not permit improper persons to live among them, but only such persons as are employed by the Confederate States and traders licensed by them, who shall sell to the Indians and buy from them at fair prices, under such regulations as the President shall make.

ART. XIII. To steal a horse or any other article of property from an Indian or a white man shall hereafter be considered disgraceful

and the chiefs will discountenance it by every means in their power. For if they should not there never could be any permanent peace.

ART. XIV. The Confederate States ask nothing of the Pen-e-teghcas, Wichitas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-daghcos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees, and Delawares, except that they will settle upon their reserves, become industrious, and prepare to support themselves, and live in peace and quietness; and in order to encourage and assist them in their endeavors to become able to support themselves, the Confederate States agree to continue to furnish them rations of provisions in the same manner as they are now doing, to include, also, sugar and coffee, salt, soap, and vinegar, for such time as may be necessary to enable them to feed themselves. They agree to furnish each tribe or band with twenty cows and calves for every fifty persons contained in the same, and one bull for every forty cows and calves; and also to furnish to all of said tribes and bands together 250 stock hogs, all of which animals shall be distributed by the agent to such persons and families as shall, in his judgment, be most proper to receive them and most likely to take care of them. And they also agree to furnish, for the use of the said tribes and bands, such number of draft-oxen, wagons, carts, plows, shovels, hoes, pickaxes, spades, scythes, rakes, axes, and seeds as may be necessary, in addition to their present supply, to enable them to farm successfully. They also agree to furnish each tribe or band annually with such quantities as the agent shall estimate for, and the superintendent require, of all such articles as are mentioned and contained in the schedule hereunto annexed, marked A;* to be issued and delivered to them by the agent.

ART. XV. The Confederate States will maintain one agency for the said tribes and bands at the present agency house or some other suitable and convenient location, at which the agent shall continually reside; and they do promise the said tribes and bands that they shall never be abandoned by the agent, and that he shall not be often nor for any long time away from his agency.

ART. XVI. The Confederate States will also employ and pay an interpreter for each language spoken among the said tribes and bands, and also one blacksmith, who shall also be a gunsmith, one striker, and one wagon-maker, for all; all of whom shall reside at the agency; and they will furnish from time to time such tools and such supplies of iron, steel, and wood as may be needed for the work of the said tribes and bands; and will also furnish all the people of said tribes and bands who may be sick with medicines and medical service at the agency, where a physician shall be employed to reside for their benefit exclusively. They will also employ for five years, and as much longer as the President shall please, a farmer for each reserve to instruct the Indians in cultivating the soil, so that they may soon be able to feed themselves; and will erect such a number of horse-mills to grind their corn as the superintendent shall consider to be necessary, in order to accomodate all. And the stock and animals to be given to the tribes and bands shall be in charge of the farmers, that they may not be foolishly killed or left to perish by neglect.

ART. XVII. The Confederate States also agree to erect such buildings for the mills, and the blacksmith shops, and houses for the farmers and interpreters, as have been erected among the other Indian tribes, and also to assist the said Indians in building houses for themselves, and in digging wells for water, and opening their lands.

*Omitted.

ART. XVIII. The said bands and tribes agree to remain upon their reserves, and not at any time to leave them in order to make crops elsewhere. And if they should leave them the Confederate States shall not be bound any longer to feed them or make them presents or give them any assistance.

ART. XIX. The Confederate States also agree to furnish each warrior of the said tribes and bands who has not a gun with a flint-lock rifle and ammunition, which he agrees never to sell or give away; and the Confederate States will punish any trader or other white man who may purchase one from them.

ART. XX. The Confederate States invite all the other bands of the Ne-um or Comanches to abandon their wandering life and settle within the leased country aforesaid, and do promise them in that case the same protection and care as is hereby promised to said tribes and bands now residing therein; and that there shall be allotted to them reserves of good land, of sufficient extent, to be held and owned by them forever; and that all the other promises made by these articles shall be considered as made to them also, as well as to the tribes and bands now residing on reserves; and that the same presents shall be made them and assistance given them in all respects; and the same things in all respects are hereby also offered the Cai-a-was and agreed to be given them if they will settle in said country, atone for the murders and robberies they have lately committed, and show a resolution to lead an honest life; to which end the Confederate States send the Cai-a-was with this talk the wampum of peace and the bullet of war, for them to take their choice now and for all time to come.

ART. XXI. The Confederate States hereby guarantee to the members of the aforesaid tribes and bands full indemnity for any horses or any other property that may be killed or stolen from them by any citizen of the Confederate States, or by Indians of any other tribe or band: *Provided*, That the property, if stolen, cannot be recovered and restored, and that sufficient proof is produced to satisfy the agent that it was killed or stolen within the limits of the Confederate States.

ART. XXII. If any difficulty should hereafter arise between any of the bands or tribes in consequence of the killing of any one, of the stealing or killing of horses, cattle, or other stock, or of injury in any other way to person or property, the same shall be submitted to the agent of the Confederate States, who shall settle and decide the same equitably and justly, to which settlement all parties agree to submit, and such atonement and satisfaction shall be made as he shall direct.

ART. XXIII. In order that the friendship which now exists between the said several tribes and bands of Indians and the people of the Confederate States and of the Choctaw and Chickasaw Nations may not be interrupted by the conduct of individuals, it is hereby agreed that if any white man or any Choctaw or Chickasaw injures an Indian of any one of said tribes and bands, or if any one of them injures a white man or a Choctaw or Chickasaw, no private revenge or retaliation shall take place, nor shall the Choctaws or Chickasaws try the person who does the wrong, and punish him, in their courts, but he shall be tried and punished by the Confederate States; and the life of every person belonging to said tribes and bands shall be of the same value as the life of a white man; and any Indian or white man who kills one of them without cause shall be hung by the neck until he is dead.

ART. XXIV. It is further hereby agreed by the Confederate States that all the Texan troops now within the limits of the said leased country shall be withdrawn across Red River, and that no Texan troops shall hereafter be stationed in forts or garrisons in the said country or be sent into the same, except in the service of the Confederate States and when on the war path against the Cai-a-was or other hostile Indians.

ART. XXV. This convention shall be obligatory on the tribes and bands whose chiefs and headmen signed the same from the day of its date, and on the Confederate States from and after its ratification by the proper authority.

In perpetual testimony whereof the said Albert Pike, as commissioner with plenary powers of the Confederate States of America to the Indian nations and tribes west of Arkansas, for and on behalf of the said Confederate States, doth now hereunto set his hand and affix the seal of his arms; and the undersigned chiefs and headmen, for and on behalf of their respective tribes and bands, do now hereunto respectively set their hands and affix their seals.

Done at the Wichita Agency aforesaid on this the twelfth day of August, A. D. one thousand eight hundred and sixty-one.

[SEAL.] ALBERT PIKE,
Commissioner of the Confederate States
to the Indian Nations and Tribes West of Arkansas.

Ke-ka-re-wa, principal chief of the Pen-e-tegh-ca band of the Ne-um; To-sa-wi, second chief of the Pen-e-tegh-ca band of the Ne-um; Ca-ca-dia, second chief of the Hue-cos; Te-ats, sub-chief of the Hue-cos; O-chi-ras, principal chief of the Ta-hua-ca-ros; Pa-in-hot-sa-ma, war chief of the Pen-e-tegh-ca band of the Ne-um; I-sa-do-wa, principal chief of the Wichitas; A-wa-he, second chief of the Wichitas; A-sa-ca-ra, chief of the Wichitas; Ta-nah, principal chief of the Cado-Ha-da-chos; Tai-o-tun, second chief of the Cado-Ha-da-chos; Cha-wihi-win, captain of the Cado-Ha-da-chos; Cha-wah-un, captain of the Cado-Ha-da-chos; A-he-dat, principal chief of the Hue-cos; Sam Houston, second chief of the Ta-hua-ca-ros; Ca-shao, principal chief of the Ai-o-nais; Jose Maria, principal chief of the A-na-dagh-cos; Co-se-mu-so, second chief of the A-na-dagh-cos; Ke-se-mira, captain of the A-na-dagh-cos; Jim Ton-ca-we, captain of the Ton-ca-wes; Ki-is-qua, second chief of the Ki-chais; John Linny, chief of the Shawnees; Keh-ka-tus-tun, chief of the Delawares.

Signed, sealed, and copies exchanged in presence of us.

Wm. Quesenbury, secretary to the commissioner; E. Rector, Superintendent of Indian Affairs for the Confederate States; M. Leeper, agent of the Confederate States for the Wichitas and other bands; Motey Kinnaird, principal chief of the Mus-ko-kis; John Jumper, principal chief of the Seminoles; Chilly McIntosh, Israel G. Vore, W. Warren Johnson, W. L. Pike, H. P. Jones, Charles B. Johnson, J. J. Sturm, Wm. Shirley, W. H. Faulkner.

(To the Indian names are subjoined marks.)

ARTICLE SUPPLEMENTARY to the convention between the Confederate States of America and the Pen-e-tegh-ca band of Ne-um or Comanches, Wichitas, Cado-Ha-da-chos, and other bands settled upon reserves, made and concluded at the Wichita Agency, near the False Washita River, on the twelfth day of August, A. D. one thousand eight hundred and sixty-one.

ARTICLE. It being well known to all surrounding tribes and universally acknowledged that, from time immemorial, the Ta-wa-i-hash people of Indians, now called by white men the Wichitas, and of whom the Hue-cos and Ta-hua-ca-ros are offshoots, possessed and inhabited, to the exclusion of all other tribes and bands of Indians, the whole country lying between the Red River and the False Washita, from their junction to the west of the Wichita Mountains, and with the aid of the Ta-ne-i-weh band of the Ne-um held all that country against all comers, and had their villages and fields in the valleys of the Wichita Mountains and upon the creeks, and there cultivated the soil, raised stock, and led an industrious life; all of which facts were known to the commissioner of the Confederate States twenty-nine years ago;

And the United States of America, having, in the year eighteen hundred and twenty, and by subsequent renewals of the grant, ceded the whole of that country to the Choctaws, and having afterward, by patent, conveyed and assured the same to them in fee, and they having made the Chickasaws joint and equal owners of the same with themselves, whereby the same has been wholly lost to the Ta-wa-i-hash, except such small portion thereof as has been assigned to them by way of reserve, and no compensation whatever has been made them therefor, although they respectfully presented their claim on account of the same to the Commissioner of Indian Affairs of the United States and appealed to that Government for payment of some reasonable price for their said country, to be paid them in such manner as should be most for their benefit and improvement;

And the commissioner knowing that their claim to compensation is a just one, and seeing how poor and helpless they are, and being willing to save them from the necessity of employing persons to urge their claim and of dividing with them what they may receive, but not deeming himself authorized to decide what amount shall be allowed them therefor, nor in what manner it shall be paid:

It is therefore hereby agreed by the Confederate States that the claim of the Ta-wa-i-hash or Wichitas to compensation for their country, between the Red River and the False Washita, shall be submitted to the President for his consideration, who, if he also agrees that it is just, shall determine what amount shall be paid or allowed them in satisfaction thereof, and in what manner that amount shall be paid; and that amount shall accordingly be paid them in such manner as he shall direct.

In testimony whereof the said Albert Pike, commissioner of the Confederate States of America to the Indian nations and tribes west of Arkansas, doth hereunto set his hand, on behalf of the said Confederate States, and affix the seal of his arms.

So done and signed and sealed at Wichita Agency, near the False Washita River, on the thirteenth day of August in the year first aforesaid.

[SEAL.]

ALBERT PIKE,
Commissioner of the Confederate States
to the Indian Nations and Tribes West of Arkansas.
WM. QUESENBURY,
Secretary to the Commissioner.

RATIFICATION.

Resolved (*two-thirds of the Congress concurring*), That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention, made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Pen-e-tegh-ca band of Ne-um or Comanches, and the tribes and bands of the Wichitas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees, and Delawares, residing in the country leased from the Choctaws and Chickasaws, each by its chiefs and headmen, who signed the said articles, of the other part; concluded at the Wichita Agency, near the False Washita River, in the said leased country, on the twelfth day of August, A. D. one thousand eight hundred and sixty-one. And that the Congress also advises and consents to the ratification of the supplementary article of the same convention, made and concluded at the same time and place, by the said commissioner on behalf of the Confederate States with the Ta-wa-i-hash or Wichita band of Indians, with the amendments adopted, to wit:

First. Strike out all of Article XIX.

Second. Strike out all of Article XXIV.

ARTICLES OF A CONVENTION entered into and concluded at the Wichita Agency, near the False Washita River, in the country leased from the Choctaws and Chickasaws, on the twelfth day of August, A. D. one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their commissioner with full powers, appointed by the President by virtue of an act of the Congress in that behalf, of the one part, and the No-co-ni, Ta-ne-i-weh, Co-cho-tih-ca, and Ya-pa-rih-ca bands of the Ne-um or Comanches of the Prairies and Staked Plain, by their chiefs and headmen, who have signed these articles, on the other part.

ARTICLE I. The No-co-ni, Ta-ne-i-weh, Co-cho-tih-ca, and Ya-pa-rih-ca bands of the Ne-um, called by the white men the Comanches of the Prairies and the Staked Plain, do hereby make peace with the Confederate States of America, and do renew and continue the peace heretofore existing between them and the Cherokee, Mus-ko-ki, Seminole, Choctaw, and Chickasaw Nations of red men, and do hereby take each and all of them by the hand of friendship, having smoked with them the pipe of peace, and received the wampum of peace; and do hereby place themselves under the laws and protection of the Confederate States of America, and agree to be true and loyal to them in peace and in war forever, and to hold them by the hand, and have but one heart with them always.

ART. II. The Confederate States of America do hereby promise and engage themselves to be, during all time, the friends and protectors of the No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca, and Co-cho-tih-ca bands of the Ne-um, and that they will not allow them to be molested by any power or people, State, or person whatever.

ART. III. The No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca, and Co-cho-tih-ca bands of the Ne-um hereby agree that they will abandon their wandering mode of life and come in from the Prairies and Staked Plain, and settle upon reserves to be allotted to them in that country which lies north of the Red River and south of the Canadian, and between the ninety-eighth and one hundredth parallels of west longitude, and

which has been leased for them and other tribes of red men by the Confederate States from the Choctaws and Chickasaws, and in which the Confederate States have offered all the Ne-um homes.

ART. IV. The No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca, and Co-cho-tih-ca bands of the Ne-um shall be allowed to choose their own homes in any unoccupied part of the said leased country on or near the Canadian or False Washita Rivers, or near the Wichita Mountains, as may best suit them, with the concurrence and assent of the agent of the Confederate States for the reserve Indians. Each reserve shall be of sufficient extent of arable and grazing lands amply to supply their needs; and the bands may have one reserve together or four separate reserves, as they may choose. The reserve or reserves shall, as far as practicable, be defined by the natural boundaries that may be described, and so far as this is not practicable, by permanent monuments and definite courses and distances; and full and authentic descriptions of the reserves shall be made out and reserved by the Confederate States.

ART. V. The said No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca, and Co-cho-tih-ca bands of the Ne-um shall have the right to possess, occupy, and use the reserve or reserves allotted to them as long as grass shall grow or water run; and the reserves shall be their own property, like their horses and cattle.

ART. VI. The members of the said No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca, and Co-cho-tih-ca bands of the Ne-um shall have the right during all time to hunt and kill game in all the unoccupied part of said leased country without let or molestation from any quarter.

ART. VII. There shall be perpetual peace and brotherhood between the No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca, and Co-cho-tih-ca bands of the Ne-um, and between each of them and all the other tribes and bands of the Ne-um and of the Wichita, Cado-Ha-da-cho, Hue-co, A-na-dagh-co, Ki-chai, Ai-o-nai, Ta-hua-ca-ro, Ton-ca-we, Snawnee, and Delaware Indians occupying reserves in the said leased country, and any other bands of the Ne-um that may hereafter settle in said leased country; and every injury or act of hostility which either has heretofore sustained at the hands of the other shall be forgiven and forgotten forever.

ART. VIII. The said several tribes and bands of the Ne-um and the said other tribes and bands shall henceforth be good neighbors to each other, and there shall be free and friendly intercourse among them. And it is hereby agreed by the said four bands of the Ne-um that the horses, cattle, and other stock and property of every tribe or band and every person of each is his or its own, and that no one of said four tribes or bands, nor any person belonging to any one of them, shall or will hereafter kill, take away, or injure any such property of another tribe or band, or of any member of any other tribe or band, or in any other way do them any harm.

ART. IX. There shall be perpetual peace and brotherhood between each and all of the No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca, and Co-cho-tih-ca bands of the Ne-um and the Cherokee, Mus-ko-ki, Seminole, Choctaw, and Chickasaw Nations; and the chiefs and headmen of each of the said bands shall do all in their power to take and return any negroes, horses, or other property stolen from white men or from persons belonging to the Cherokee, Mus-ko-ki, Seminole, Choctaw, or Chickasaw Nations, and to catch and give up any person among them who may kill or steal or do any other very bad thing.

ART. X. It is distinctly understood by the said four bands of the Ne-um that the State of Texas is one of the Confederate States and joins in this convention, and signs it when the commissioner signs it, and is bound by it; and that all hostilities and enmities between it and them are now ended and are to be forgotten and forgiven forever on both sides.

ART. XI. None of the braves of the said four bands of the Ne-um shall go upon the warpath after they are settled upon reserves against any enemy whatever, or as guides to any war party, except with the knowledge and consent of the agent, nor hold any councils or talks with any white men or other Indians without his knowledge and consent. And the Confederate States will not permit improper persons to live among them, but only such persons as are employed by the Confederate States and traders licensed by them, who shall sell to the Indians and buy from them at fair prices, under such regulations as the President shall make.

ART. XII. To steal a horse or any other article of property from another Indian or white man shall hereafter be considered disgraceful, and the chiefs will discountenance it by every means in their power. For if they should not there never could be any permanent peace.

ART. XIII. If there should be among the No-co-nis, Ta-ne-i-wehs, Ya-pa-rih-cas, or Co-cho-tih-cas any white prisoner or prisoners it is agreed that they shall be delivered up when they come in to settle; and that if they can peaceably procure possession of any that may be held by any other band of the Ne-um, or by the Cai-a-was or any other Prairie tribe, they will also bring them in to be restored to liberty. And the Confederate States agree that if any prisoners are so brought in and restored, suitable rewards shall be given the band that brings them in for doing so. But this article creates no obligation to deliver up Mexicans who may be prisoners.

ART. XIV. The Confederate States also agree that if there be any person or persons held as prisoners in Texas or any other of the Confederate States, or in the Cherokee, Mus-ko-ki, Seminole, Choctaw, or Chickasaw Nations, who are of the Ne-um or Comanches, that all such persons shall be set free and delivered up and restored to their band without charge or expense to the Ne-um.

ART. XV. The Confederate States ask nothing of the bands of the Ne-um, except that they will settle upon their reserves, become industrious, prepare to support themselves, and live in peace and quietness; and in order to encourage and assist them in their endeavors to become able to support themselves the Confederate States agree to furnish them rations of provisions in the same manner as they are now doing for the Wichitas and other tribes and bands settled upon reserves, to include also sugar and coffee, salt, soap, and vinegar, for such time as may be necessary to enable them to feed themselves. They agree to furnish each of the said bands of the Ne-um with twenty cows and calves for every fifty persons contained in the same, and one bull for every forty cows and calves; and also other stock, at the discretion of the superintendent, when they desire to have the same; all of which animals shall be distributed by the agent to such persons and families as shall, in his judgment, be most likely to take care of them. And they also agree to furnish for the use of the said bands of the Ne-um such number of draft oxen, wagons, carts, plows, shovels, hoes, pickaxes, spades, scythes, rakes, axes, and seeds as may be necessary to enable them to farm successfully. They also agree to furnish the said bands of the Ne-um annually with such quantities as

the agent shall estimate for and the superintendent require of all such articles as are mentioned and contained in schedule hereunto annexed, marked A,* to be issued and delivered to them by the agent.

ART. XVI. The Confederate States will maintain one agency for the tribes and bands now settled upon the reserves in the said leased country and for the said four bands and all the other bands of the Ne-um that may settle therein, which agency shall be kept either at the present agency house or some other convenient location, at which the agent shall continually reside; and they do promise the said four bands and all the other bands of the Ne-um that may settle in reserves that they shall never be abandoned by the agent and that he shall not be often nor for any long time away from his agency.

ART. XVII. The Confederate States will employ and pay one interpreter for all the bands of the Ne-um settled upon the reserves; and an additional blacksmith, another striker, and another wagon-maker shall be employed for the bands of the Ne-um alone, when the said four bands of the Ne-um shall have come in and settle upon reserves. The interpreter, blacksmith, striker, and wagon-maker shall reside with some one of the bands. The Confederate States will also furnish, from time to time, such tools and such supplies of iron, steel, and wood as may be needed for the work of the said bands, and will also furnish them with medicines and medical advice at the agency, where a physician shall be employed to reside for their benefit exclusively. And they will also employ for five years, and as much longer as the President shall please, a farmer for each reserve, to instruct them in cultivating the soil, so that they may soon be able to feed themselves; and will erect such a number of horse-mills to grind their corn as the superintendent shall consider to be necessary in order to accommodate all.

ART. XVIII. The Confederate States also agree to erect such buildings for the mills, and the blacksmith shops, and houses for the farmers, interpreters, and physicians as have been erected among the other Indian tribes, and also to assist the said Indians in building houses for themselves, and in digging wells for water, and opening their lands.

ART. XIX. The said four bands agree to remain upon their reserves, when they shall have settled thereon, and not, at any time, to leave them in order to make crops elsewhere. And if they should leave them the Confederate States shall not be bound any longer to feed them or make them presents or give them any assistance.

ART. XX. The Confederate States also agree to furnish each warrior of the said four bands who has not a gun with a flint-lock rifle and ammunition, which he agrees never to sell or give away; and the Confederate States will punish any trader or other white man who may purchase one from them.

ART. XXI. The Confederate States will invite all the other bands of the Ne-um or Comanches to abandon their wandering life and settle within the leased country aforesaid; and do promise them, in that case, the same protection and care as is hereby promised to the tribes and bands now residing therein; and that there shall be allotted to them reserves of good land, of sufficient extent, to be held and owned by them forever; and that all the other promises made by these articles shall be considered as made to them also, as well as to the tribes and bands now residing on reserves; and that the same presents shall be made to them and assistance given them in all respects; and

*Omitted.

the same things, in all respects, are also hereby offered the Cai-a-was and agreed to be given them if they will settle in said country, atone for the murders and robberies they have lately committed, and show a resolution to lead an honest life; to which end the Confederate States send the Cai-a-was with this talk the wampum of peace and the bullet of war, for them to take their choice now and for all time to come.

ART. XXII. The Confederate States hereby guarantee to the members of the aforesaid four bands full indemnity for any horses or any other property that may be killed or stolen from them by any citizen of the Confederate States or by any other Indians: *Provided*, That the property, if stolen, cannot be recovered and restored, and that sufficient proof is produced to satisfy the agent that it was killed or stolen within the limits of the Confederate States.

ART. XXIII. The Seminoles having asked the Confederate States to pay them for certain horses stolen from them by some of the Ne-um two years ago, and which the United States were bound to pay for if they could not be recovered, the Confederate States have accordingly agreed to do so, at the time of making the treaty lately with the Seminoles; and they do hereby agree, in order that the Ne-um may not hereafter be troubled about the horses so taken, to pay for them the sums, and to the persons mentioned in the schedule thereof hereunto annexed, marked B;* but as the Seminoles allege that one or more of their horses is now here in the possession of some of the No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca, or Co-cho-tih-ca band of Ne-um, it is agreed that, if it be so, such horse or horses shall be given up and the person in possession shall be compensated for the loss of the same. To this end the chiefs will let the Seminoles see all their horses; and after this time it is distinctly understood that no one can get any right to property by stealing it, and that no compensation will ever again be made to any one who has given up stolen property. And the Confederate States do hereby agree with the several persons from whom horses were stolen, and the heirs of such of them as are deceased, and whose names are found in the said Schedule B,* hereunto annexed, that they will pay, immediately upon the ratification of this treaty, through the agent for the Seminoles, the amount of loss sustained by each respectively, according to the said schedule, except for such horses as may be returned as above provided for and noted as returned on the said schedule.

ART. XXIV. If any difficulty should hereafter arise between any of the said four bands or any of their members, or between any of them and any of the other tribes or bands settled on reserves, in consequence of the killing of any one, of the stealing or killing of horses, cattle, or other stock, or of injury in any other way to person or property, the same shall be submitted to the agent of the Confederate States, who shall settle and decide the same equitably and justly, to which settlement all parties agree to submit, and such atonement and satisfaction shall be made as he shall direct.

ART. XXV. In order that the friendship which now exists between the said several tribes and bands of Indians, now or hereafter settled in the said leased country, and the Choctaws and Chickasaws and the people of the Confederate States, may not be interrupted by the conduct of individuals, it is hereby agreed that if any white man or any Choctaw or Chickasaw injures an Indian of any one of said tribes

*Omitted.

and bands, or if any one of them injures a white man or a Choctaw or Chickasaw no private revenge or retaliation shall take place, nor shall the Choctaws or Chickasaws try the person who does the wrong, and punish him in their courts, but he shall be tried and punished by the Confederate States; and the life of every person belonging to said tribes and bands shall be of the same value as the life of a white man; and any Indian or white man who kills one of them without cause shall be hung by the neck until he is dead.

ART. XXVI. In case either of the bands of the Ne-um, with whom this convention is made, should not consent to come in and settle, and should prefer to continue to live as they have heretofore, then there shall still be peace and friendship between them and the people of the Confederate States and the Cherokees, Mus-ko-kis, Seminoles, Choctaws, and Chickasaws, and all the tribes and bands settled upon reserves in the country aforesaid; and all of the same shall travel, without injury or molestation, through the hunting-grounds of the Ne-um, and shall be treated with kindness and friendship.

ART. XXVII. It is further hereby agreed by the Confederate States that all the Texan troops now within the limits of said leased country shall be withdrawn across Red River, and that no Texan troops shall hereafter be stationed in forts or garrisons in the said country, or be sent into the same, except in the service of the Confederate States and when on the warpath against the Cai-a-was or other hostile Indians.

ART. XXVIII. It is further agreed by the chiefs and headmen of the bands of the Ne-um who have signed this convention that upon their return to their bands they will take this talk and the wampum of peace from the Confederate States and from the Mus-ko-kis, Seminoles, Choctaws, and Chickasaws to the bands of the Ne-um, and tell them what they have seen and heard, and persuade them also, if they can, to come in and settle upon reserves in the leased country, and at any rate to make peace by the time when the leaves fall before the next snows.

ART. XXIX. It is agreed by the parties that the making of this convention shall in nowise interrupt the friendly relations between the Ne-um and the people of Mexico, and that the Confederate States desire that perfect peace should exist between the Ne-um and all the Mexicans.

ART. XXX. This convention shall be obligatory on the bands whose chiefs and headmen sign the same from the day of its date, and on the Confederate States from and after its ratification by the proper authority.

In perpetual testimony whereof the said Albert Pike, as commissioner with plenary powers of the Confederate States of America to the Indian nations and tribes west of Arkansas, for and on behalf of the said Confederate States, doth now hereunto set his hand and affix the seal of his arms; and Qui-na-hi-wi, or the Drinking Eagle, chief of the No-co-ni band of the Ne-um, and the undersigned headmen of the same, for and in behalf of that band; and the same Qui-na-hi-wi, chief of the No-co-nis, by special authorization and direction of Po-ho-wi-ti-quas-so, or Iron Shirt, the chief of the Ta-ne-i-weh band of the Ne-um, who has been present, but is now absent mourning for a relative deceased, with Ke-e-na-toh-pa, a headman of the Ta-ne-i-weh band, for and on behalf of the same; and Te-hi-a-quah, chief of the Ya-pa-rih-ca band of the Ne-um, with the undersigned headmen

of the same, for and on behalf of the Ya-pa-rih-ca band; and Ma-a-we, chief of the Co-cho-tih-ca band of the Ne-um, with the undersigned headmen of the same, for and on behalf of the Co-cho-tih-ca band, do now hereunto respectively set their hands and affix their seals.

Done at the Wichita Agency aforesaid on the twelfth day of August, A. D. one thousand eight hundred and sixty-one.

[SEAL.] ALBERT PIKE,
Commissioner of the Confederate States to the Indian Nations and Tribes West of Arkansas.

Qui-na-hi-wi, principal chief of the No-co-ni band; O-te, sub-chief of the No-co-nis; Ke-pa-he-wa, sub-chief of the No-co-nis; Cho-o-shi, retired chief of the No-co-nis; Po-ho-wi-ti-quas-so, principal chief of Ta-ne-i-weh band, by Qui-na-hi-wi, principal chief of the No-co-ni band; Ke-e-na-toh-pa, sub-chief of the Ta-ne-i-weh band; Te-hi-a-quah, chief of the Ya-pa-rih-ca band; Bis-te-va-na, principal chief of the Ya-pa-rih-ca band; Pe-hai-e-chi, chief of the Ya-pa-rih-ca band; Ma-a-we, principal chief of the Co-cho-tih-ca band; Cho-co-ra, chief of the Co-cho-tih-ca band; Te-co-we-wih-pa, chief of the Co-cho-tih-ca band.

Signed, sealed, and copies exchanged in presence of us.

Wm. Quesenbury, secretary to the commissioner; E. Rector, Superintendent of Indian Affairs for the Confederate States; M. Leeper, agent of the Wichita and affiliated bands of the Confederate States; Motey Kinnaird, principal chief of the Mus-ko-kis; John Jumper, principal chief of the Seminoles; Chilly McIntosh, Israel G. Vore, W. Warren Johnson, W. L. Pike, Jesse Chisholm, H. P. Jones, Charles B. Johnson, J. J. Sturm, Wm. Shirley, Wm. H. Faulkner.

(To the Indian names are subjoined marks.)

RATIFICATION.

Resolved (*two-thirds of the Congress concurring*), That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the No-co-ni, Ta-ne-i-weh, Co-cho-tih-ca, and Ya-pa-rih-ca bands of the Ne-um or Comanches of the Prairies and Staked Plain, by their chiefs and headmen, who signed the same articles, of the other part, concluded at the Wichita Agency, near the False Washita River, in the country leased from the Choctaws and Chickasaws, on the twelfth day of August, A. D. one thousand eight hundred and sixty-one, with the following amendments, to wit:

First. In the last paragraph of Article XIII, where occur the words, "but this article creates no obligation to deliver up Mexicans who may be prisoners," strike out all after the word "up" and insert in lieu thereof the following words, "other prisoners than inhabitants of the Confederate States or Territories thereof."

Second. Strike out all of Article XX.

Third. Strike out all of Article XXVII.

CONFEDERATE STATES OF AMERICA,
ORDNANCE OFFICE, WAR DEPARTMENT,
Richmond, Va., August 12, 1861.

Answer to interrogatories under resolution of Congress of July 27.

First interrogatory. What quantity of muskets and rifles has the Government on hand besides those which have already been distributed to the Army?

Answer. All of our serviceable muskets and rifles are in the hands of troops in the field, at posts, or in camp. The Government has on hand 3,500 muskets, chiefly flint locks, and all of which should be passed through the workshop.

Second interrogatory. What quantity is there on hand of powder, of lead, of sulphur, of saltpeter? What measures have been adopted, and at what time or times, to procure an additional supply of either of the above articles? Has any, and what, quantity of either of the above articles been yet imported by the Government from abroad?

Answer. *Powder.*—The cannon-powder on hand is chiefly at the several forts on the sea-coast, a quantity sufficient for the present wants of the sea-board defenses. About 200,000 pounds of musket and rifle powder are on hand.

Lead.—An order has been given to and accepted by the agent of the Wytheville Lead Mines in this State, Messrs. Crenshaw & Co., to deliver (and they are delivering) two tons of lead and 1,200 pounds of buckshot per day for 150 consecutive days, beginning about the 1st of July.

Sulphur.—Three hundred tons are at the disposal of the Government, equal to the production of 3,000 tons of powder.

Saltpeter.—Two hundred and forty tons of saltpeter are in possession of the State of Georgia, and ready to be turned over to the Confederate States. A part of it has already been turned over; the whole purchased.

What measures have been taken to procure powder, lead, sulphur, saltpeter?

Powder.—Orders have been given to Messrs. Bowen & Co., near Pendleton, S. C., to furnish all their mill makes, and saltpeter has been supplied to them, they having sulphur enough for four to six tons of powder. The like order has been given to J. M. Ostendorff, Walhalla, S. C., and saltpeter and sulphur ordered to his mills. These two mills will make about 300 pounds a day together. General Davis, near Lewisburg, Va., has lately been supplied with a small quantity of sulphur, and he is now making powder for our troops, as he states. Two mills near Nashville, Tenn., are preparing to make powder. Of these S. D. Morgan, esq., of Nashville, under date of August 3, says: "One of our mills has, as I have just learned, commenced operations on an extended scale, and another still more extensive will be ready to operate next month, as the proprietor assures me." An order has been given to C. D. Yale, of this State, for 250 tons of powder, to be furnished at 40 cents per pound. Orders have also been sent abroad to purchase 2,500,000 pounds, and to a party to purchase 650,000 pounds in Mexico. (Refer to extract of Major Rains' letter, appended.)

Lead.—An order has been given to a party to deliver 500 tons of lead at Columbia, Tex., at 7 cents per pound, and to another to deliver a like amount in San Antonio, at 6 cents. What abilities these parties have to execute these orders remains to be seen. Besides the Wytheville mine, in this State, the Confederate Government has directed the working of a mine in North Carolina. In reference to this Governor Warren Winslow writes, August 8: "I have written to Pasco, an experienced miner, to come down and get ready to open the Silver Hill Mine, in Davidson County. * * * It will not require much means. The furnace will cost only $500, I think, and labor is now so cheap that a small addition will be all that is required." These two mines will, it is believed, supply all our wants. The following letter is from Prof. E. Emmons, State geologist of North Carolina, under date of July 24: "I made, some time since, a thorough examination of the lead mine in Caldwell County, fourteen miles north of Morganton. It will not, therefore, be necessary for me to visit and examine the mine at present. For the information of the Department I have addressed a letter to Calvin J. Cowles, of Wilkesborough, who owns, or did own, a lease on the property, to open and work this mine at once, if possible. Lead can be taken out at once, or from the present shaft and tunnel, and I have given him assurance that I will put him or a company in a way for easy reduction of the ore, and also repeated to

them the assurance conveyed in your instructions to me, that a liberal price would be paid for any amount of lead that was produced."

Sulphur.—An order has been given to Doctor Ullmann, of Tallapoosa, Ala., to furnish sulphur, which he undertook to make at the rate of from 1,000 to 2,000 pounds per day. His success has not yet been reported. Efforts will be made, under the stimulation of high prices, by various parties, to procure this ingredient from the iron pyrites, and it will eventually be thus obtained quite as soon as required.

Saltpeter.—An order was given in May last to Messrs. Leonard & Riddle, at Montgomery, for 60,000 pounds, and they at once entered on the labor of getting it out; with what success I have not yet learned. Mr. Leonard was the contractor on the Pensacola Railroad. An officer of the Department has been directed to visit these works and report upon them, as also those of Doctor Ullmann, for getting sulphur. An order was also given to Colonel Hindman, of Arkansas, to deliver 100,000 pounds at Memphis about the same time, but nothing has been heard from him. Mr. Richard Ross, of Tennessee, has taken an order for fifty tons, to be gotten from the caves of East Tennessee. In reference to the caves of East Tennessee and North Alabama, Mr. Sholer Smith, agent of the State of North Carolina, writes: "Messrs. Nelson & Davis, of Philadelphia, Monroe County, write that they have their cave in full operation, and some 6,000 or 8,000 pounds of material on hand for sale, and await an offer. They are now open to contracts. A party in Fentress County is also ready to supply some three or four tons per month. William Worley, of Cave Spring, Carter County, needs but assurance of a contract to go to work in his section, which is rich in niter. Of the North Alabama caves none have proved profitable except those of S. D. Boren & Co., who are making 700 pounds per day on a contract with the State of Tennessee. They offer us three tons per month at 35 cents per pound; post-office, Larkinsville, Ala. The specimens sent by this firm are very pure. The prices paid by Tennessee range from 22 to 30 cents per pound. * * * An ample supply of niter (three or four tons per week) can be obtained in East Tennessee, but it is necessary that an agent should be sent there before the interest in this matter subsides to stir them up to the work." Mr. Smith stated verbally that there were various parties at the caves he had visited who had taken out 8,000 to 10,000 pounds, and stood ready to sell it. I directed him to say to all said parties that the Bureau would pay for it, delivered at the nearest railroad station, on railroad receipts, at the rate of 25 cents per pound.

Third interrogatory.

Answer. No information in this Bureau.

Fourth and fifth interrogatories.

Answer. Answered in reply to second interrogatory.

Sixth interrogatory. Have any small-arms yet been manufactured by and for the Government at any public or private establishment within the Confederate States? If yea, state what arms have been so manufactured, in what quantities, and what establishments. If not, what has prevented or delayed such manufacture?

Answer. Very few arms have yet been manufactured for the Government either at private or public establishments for a very obvious reason—there has not yet been time to get up establishments for this purpose. A few—eight or ten per day for four or five weeks past—it is reported, have been made out of the gun-barrels saved from Harper's Ferry, at Wytheville, for the command of General Floyd. An order for 30,000 stand of arms has been given to Messrs. McElwain & Co., Holly Springs, Miss., the first delivery on which is to be made November 1, and thereafter at the rate of 2,000 per month. Mr. Le Mat, of Louisiana, has an order to deliver 5,000 of his revolvers. Mr. Ed. Want, of New Berne, N. C., has an order for the delivery of 5,000 pistols, to begin in three months. Orders are out also for the manufacture of 4,000 swords and 3,000 saber-bayonets. Unlimited orders have also been given to parties to purchase arms in Mexico and in Cuba. None have yet been received by this Department. The armory at this place will probably be in working order in six or eight weeks. That at Fayetteville, where some new buildings must be erected, will not be ready under four months. The Department has received from its agents in Europe for the purchase of arms positive information as to the purchase by them of arms, embracing muskets and rifles chiefly, to the amount of $300,000, and also assurances that they will be shipped through in safety. We therefore look forward with confidence to their early arrival.

Extract from a letter of Maj. George W. Rains, under date of July 25, 1861:

Maj. J. GORGAS:

In relation to the Government factory I have to state that the drawings of the machinery are now being made at Nashville, and on my return the work will at once be commenced. I have visited the iron-works and machine-shops at Nashville, Chattanooga, Atlanta, Augusta, and on my return will do so at Rome. I found that I could procure some of the lighter work at Nashville, and at Chattanooga a portion of the heavy castings can be made; but as they will have to complete first the work of the Manchester Powder Mills, it will be some twenty-five or forty days before being able to commence the Government work. At Augusta some of the lighter work can also be constructed, and perhaps also at Rome. At Atlanta a portion of the heavy castings can be made, having about the same capacity as at Chattanooga for such work. Thus these two are the only ones which have the necessary tools to do large work. Having to wait for the latter iron-works to complete their present job, it will take over four months to get the rolling cylinders for the mills made at these places for making two tons of powder per day; hence I shall be compelled to get the Tredegar Works to assist in their manufacture, as it will take not less than forty rolling cylinders (or twenty mills) to manufacture five tons of powder each twenty-four hours, and this is the desired capacity for the factory, if I understand you correctly. Of course the making of powder would commence as soon as one set of machinery could be completed without waiting for the rest, but all the apparatus necessary for the whole, such as making charcoal, refining niter, refining sulphur, breaking cake, pressing, granulating, dusting, pulverizing, glazing, &c., with drying-houses for wood and powder, as also all the buildings to contain the same, and magazines would have to be constructed before the manufacture could commence. Thus, with all the facilities which can be had, even with the aid of the Tredegar Works, and working night and day, it will take at least three months before any of the machinery can be put into operation. I was fortunate enough to find two good steam engines, of 80-horse power each, with boilers and fixtures complete, at Atlanta (second hand), which can be had for the motive power should water-power not be procured. This will supply force sufficient to make two and a half tons of powder each twenty-four hours, as it will require over 300-horse power for the factory complete. In four months, if fortunate, I may be able to make two and a half tons of powder per day, and this, joined to the amount fabricated by the private mills above referred to, will give a probable supply of three and a half to four tons per twenty-four hours at that time.

[Indorsement.]

WEDNESDAY NIGHT.

I have no less than six times to-day seen Major Gorgas and been to his office importuning for his signature to this paper, so that it might be sent to Congress. At 8 o'clock at night it comes not signed.

JOHN TYLER, JR.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 12, 1861.

G. B. LAMAR, Esq.,
Savannah, Ga.:

SIR: The Acting Quartermaster-General, to whom had been referred your letter of August 9, dated at Richmond, has reported that in his opinion importations for the supply of our Army would be immediately necessary, embracing not less than 1,000,000 pairs of shoes, 800,000 yards gray woolen cloth, 500,000 stout flannel shirts, and 500,000 pairs of Irish woolen socks. Will you inform this Department upon what terms you would accept the agency for the purchase of the above-named supplies and such others as might be necessary, and also in what time deliveries might be expected, according to the plan you propose? You are requested to add any other suggestion or information

relative to the plan of importation you propose which may be of use to this Department.

Very respectfully,

L. P. WALKER,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 12, 1861.

His Excellency Governor PICKENS,
Charleston, S. C.:

SIR: Your letter of August 6, introducing Colonel Green, has been received, but did not reach this Department until the 10th. You are requested to have the guns to which you refer rifled as you proposed at the expense of this Government, and to provide further, also, such harness, caissons, and other equipments as can be procured in South Carolina. When the battery is in readiness the horses will be furnished by the Government, or those to which you refer will be purchased for this use if deemed suitable by the proper officers of the Government. The other topics in Your Excellency's letter will receive due attention.

Very respectfully,

L. P. WALKER,
Secretary of War.

SPOTSWOOD HOUSE,
Richmond, August 13, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I beg leave to submit for your consideration the following plan to assist in supplying the Army with blankets, shoes, &c.: Let an agent proceed to Canada and purchase whatever can be found or obtained on orders to be filled at an early date. Said goods to be shipped to a Mexican port, say Matamoras, or some other; 1,000 teams in Texas can be put into service, and sent to bring such goods to our depots; said goods to be paid for either in cash or Confederate bonds, redeemable within sixty days after the blockade is raised, the parties to take cotton then at fair rates if they choose. If successful this plan can be executed with dispatch. It may save the Government several hundred thousand dollars. All the Texans known in this city of sound judgment and practical information indorse the plan as one deemed feasible. Other eminent civilians approve it. If left to private enterprise it may fail. If it should not succeed the Government shall not be subject to a dollar of loss. I greatly prefer the Government should have the entire benefit, and not a penny be made by any private operator. The plan is too promising of valuable results, in my judgment, to be permitted to fail for want of trial.

With great respect, your obedient servant,

C. K. MARSHALL.

[AUGUST 14, 1861.—For proclamation of Jefferson Davis in relation to alien enemies, see Series II, Vol. II, p. 1369.]

AN ACT to provide for the appointment of surgeons and assistant surgeons for hospitals.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to appoint in the Provisional Army as many surgeons and assistant surgeons for the various hospitals of the Confederacy as may be necessary.

Approved August 14, 1861.

LONDON, *August 14, 1861.*

Hon. L. P. WALKER,
Secretary of War:

SIR: I have received through Messrs. Fraser, Trenholm & Co., of Liverpool, your letter of the 18th ultimo, containing the report of Capt. H. L. Hanley, commanding expedition sent in search of the ship Windsor Forest, &c. The same shall be carefully considered. Since the date of my dispatch to you of the 11th instant, I am happy to inform you that arrangements are in progress for the purchase of a large number of Enfield rifles, which will very nearly exhaust the supply of money forwarded on the 1st of July. I have, however, recently received from His Excellency the Governor of Georgia an order on a house in Liverpool for $100,000, with a request that it may be expended in the purchase of arms for that State. This will enable me to take up many muskets that are at this time being offered, a large portion of which, I am inclined to believe, were ordered for the United States Government, but which, for the want of funds in hand, they are unable to obtain from the manufacturers. Some of these guns now in our possession have their viewers' marks upon them, indicating that they had been inspected and accepted by their agents. Of course we subject them to the ordeal of our own standard of excellence. I have deemed it my duty to mention the fact of my having been requested to purchase arms for the State of Georgia, and in consenting to do so I have felt that I should have the sanction of the Department, when it is considered that every weapon sent to that State is strengthening the good cause of our common Confederacy, added to which is the advantage presented me of going continuously on with our purchases, without being compelled to stop for the arrival of additional means from Richmond. I would urge the prompt supply of money from home, that we may keep the advantage we now possess.

Very respectfully, your obedient servant,

EDWD. C. ANDERSON,
Major, Artillery.

WAR DEPARTMENT,
Richmond, August 15, 1861.

Hon. W. PORCHER MILES,
Chairman of the Military Committee in the Congress:

SIR: The Congress have passed a law authorizing a large increase of the Army, in accordance with the report of the Military Committee, in the necessity for which this Department fully concurs. In view of the increase of force, it is highly desirable that the President should be authorized to appoint lieutenants in the Provisional Army, to be attached as supernumeraries to companies, battalions, and regiments.

The reason for this may be found in the fact that the war has broken up the military schools of the Confederate States and thus thrown out of their professional pursuits a number of young men, whose services in the future are indispensable to the country. Many of them are advanced in their military studies and the most of them are good drill-masters and tacticians.

The Regular Army, even if its organization was not suspended, presents too limited a field of provision for them all, and without some such measure as that indicated the Government and country will lose the assistance of many who would make valuable officers.

The subject is respectfully submitted to the consideration and judgment of your committee.

Respectfully,

L. P. WALKER,
Secretary of War.

[AUGUST 15, 1861.—For Walker to Moore, calling for six companies of Alabama troops for service at Fort Gaines, see Series I, Vol. LII, Part II, p. 130.]

MOBILE, *August 15, 1861.*

Hon. L. P. WALKER,
Richmond:

DEAR SIR: I trust you will pardon the liberty I take in suggesting to you a mode of importing guns from Europe, which I must think is entirely practicable. For example, what is to prevent an English or French ship from clearing for Matamoras, in Mexico, and landing their cargo without any interference whatever from the U. S. vessels? And if they can be landed in Matamoras, certainly we can get them into this country. They could be shipped in the name of a Mexican merchant who could be induced to engage in the transaction, or they might be shipped as English property to a merchant in Matamoras, and to be paid for in part or in whole when landed. I am at a loss to see any sort of difficulty in this mode of getting any quantity of arms needed.

Very respectfully,

H. G. HUMPHRIES.

ADJUTANT-GENERAL'S OFFICE,
Little Rock, Ark., August 15, 1861.

Hon. L. P. WALKER,
Secretary of War, Richmond, Va.:

SIR: Your communication of June 30, 1861, was duly received, and action taken thereon by proclamation to the people of Arkansas, dated August 8, 1861. His Excellency the Governor directs me to convey to you his views regarding the raising of the 3,000 men required by the President's requisition. The State of Arkansas has now in the field nearly if not quite 20,000 men, to wit: Two regiments in Virginia, one regiment of cavalry (Churchill's) with McCulloch, three regiments of infantry, one regiment of cavalry, two companies of artillery transferred to Brigadier-General Hardee by agreement July 15, 1861. To which may be added thirteen companies under command of Colonel Hindman, most of the men of which, it is understood, were obtained from this State. There are three regiments of

infantry, one regiment of cavalry, and at least one company of artillery, recently commanded by Brig. Gen. N. Bart. Pearce, of the State provisional army, now transferred to the Confederate service. In addition to all of these the regiments called into service by proclamation of the Governor, eight in number, have recently by agreement been transferred to the Confederate Government, together with a considerable force drawn to McCulloch by his invitation, the number of which is unknown to the Executive. Although His Excellency has every confidence in the firm and unwavering patriotism of the people of Arkansas, and in the strong Southern sentiment that prevails throughout the country, he nevertheless inclines to the opinion that it will prove difficult to obtain the 3,000 men for the war by the plan indicated by the War Department, and for several reasons: That the people of this State are generally averse to long or indefinite terms of service; that nearly if not quite one-third of the number of the voting population are already in the field; that no incentive is left to officers to exert themselves to raise companies, the appointment of field and staff officers being retained by the President, and that few men could now be induced to enlist for the war with the knowledge that they were to be retained in a camp of instruction while battles were being fought and won and honor and glory acquired by more fortunate individuals. His Excellency by no means intends to induce the impression that the number of men required may not be obtained, but desires merely to intimate that by the plan indicated much delay might be occasioned. He is of opinion that there are two judicious modes by which the object of the President may be readily attained—either by the recruiting system, or inducements offered to gentlemen and men of means in the country to raise companies, with the prospect of obtaining promotion to field and staff officers. He recommends that one or other of these modes be adopted by the War Department.

In the event of the recruiting system being determined upon, he recommends that agents be sent not only to the two places of rendezvous named by himself, to wit, Clarksville and Batesville, but to other accessible points in the State, to receive, muster into service, subsist, and take charge of all the volunteers who may offer themselves. The two companies of cavalry required by the President have already been received, fully armed and equipped, mustered into service, and ordered to report themselves to Brigadier-General Hardee. His Excellency directs me to assure the President that every effort will be exerted by himself at any and all times to render what assistance may be in his power to sustain the Confederate Government and Southern independence.

I have the honor to be, sir, very respectfully,

EDMUND BURGEVIN,
Adjutant-General of Arkansas.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 15, 1861.

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: Your letter of yesterday morning has just been received. The Secretary of War regrets to perceive that Your Excellency has misapprehended the purport of his letter, and hastens to correct the error.

It is not the intention of this Department to exclude the State of Virginia from the co-operation proposed for the clothing of our soldiers, nor was Your Excellency's letter of former date understood as expressing any unwillingness to co-operate in that respect; but the note of this Department of 12th instant was dictated solely by the fact, as expressed in the report of the quartermaster-general, that the quartermaster's department of the State of Virginia has been absorbed by the Confederate States of America, and by the other fact, suggested also by Your Excellency, that a competition of two organizations in the same market and for the same object would greatly enhance the prices. The recommendation of the Acting Quartermaster-General was made in accordance with these facts and was approved accordingly. This Department is happy to be assured of the readiness of Your Excellency, which the Department did not by any means doubt, to aid in the proposed work. Your Excellency's letter of yesterday's date will be referred to the Quartermaster-General's Department, and if any plan can be devised, such as Your Excellency suggests, to avoid the competition which has been feared, this Department will be happy to accept the co-operation which Your Excellency offers.

Very respectfully,

L. P. WALKER,
Secretary of War.

SAVANNAH, *August 16, 1861.*

Hon. L. P. WALKER,
Secretary of War:

SIR: Yours of 12th instant is received, and I have just had a consultation with my friend William Battersby, esq., on the subject of supplies for the Army. We have come to the conclusion, as we see that the Northern collectors have already refused clearances to British vessels, and as your supplies are much larger than I anticipated and shipping so largely to unfrequented ports would excite suspicions and prevent clearances to our vessels, that the orders had better be filled from England direct, more especially as the probability is increasing that the blockade must be raised by Great Britain and France in their own defense by the 1st of October, and by the time the vessels with the goods would arrive off our coasts all obstacles to their entry would be removed. We concur, therefore, in opinion that he had better go at once to England, taking Richmond in the way to get ample instructions and funds. He has a brother conversant with all business in Manchester who would make the purchases, while he would purchase one or two ships, as might be requisite, for account of the Government, keep all the titles to vessels and goods in his own name as a British subject, and clear them for different ports (if he has more than one vessel), putting the instructions on board sealed, and not to be opened till they get this side the Atlantic; to take with him from here two trusty pilots, well acquainted with our coasts, to take command of or to pilot the vessels into ports on this side. By this plan we would get the goods somewhat cheaper, have the chance of having the blockade removed when the vessels arrive, and run no hazard of the locking up the goods by refusing a clearance or seizure at the North.

It would be necessary to furnish him the money in sterling exchange, fully $2,000,000, for the investment, and he will pay all his own

expenses, and for his own and his brother's services charge 2½ per cent. commission. He could take samples of the articles with him, but, except the shoes, his brother is as good a judge of what you want as can be found; but I would suggest to get blue cloth instead of gray, for it is warmer; at any rate for half the order. I beg leave to suggest reasons why I think Great Britain and France will remove the blockade: First, each derives $20,000,000 to $25,000,000 of revenue from tobacco. Second. Great Britain has 3,500,000 population directly dependent on cotton and 2,500,000 more directly connected with it. Third. She has $200,000,000 capital invested in factories of cotton, which would be idle, involving 1,200 mills, besides coal mines. Fourth. That the failure to export largely of cotton goods to India and China would cause a ruinous drain of silver and gold to those regions to procure many necessaries now obtained from them. Fifth. It would injuriously affect trade, commerce, shipping, and banking in all Europe. Sixth. France and Germany are equally dependent on Great Britain for like causes, and especially as the Continent gets much of its yarn from England—the export last year 1,142,000,000 yards of cotton goods and 28,000,000 pounds of yarn to China and India, all of which prevented, so far, the export of coin. England and France have no coin now to spare—not enough to buy our cotton. Seventh. The stock of American cotton in Liverpool on the 19th of July was 800,000 bales; at sea, bound there, 60,000 bales. The consumption and export was at the rate of 45,000 bales per week, which would consume every bale of it by the 15th of December next; that to get supplies they must begin to load ships here by October, and it must go forward at the rate of 50,000 to 60,000 bales per week to keep them at work, and much faster than that to put them into stock, even at 10d. per pound. The price of cotton is now 18 cents in New York, and the necessities of Northern factories have caused imports from Liverpool, where the price was only 16 cents by last advices.

The only apprehension Great Britain need feel is to get France to act with her. In that event Lincoln will not make hostilities against both; but of her act alone Lincoln may make war on her, turn his privateers loose and cut up her commerce, which would greatly benefit his bankrupt people and give France the pre-eminence in commerce. Mr. Battersby waits your instructions to go to Richmond, either by telegram or letter, and I will go, too, if necessary.

Yours,

G. B. LAMAR.

SAVANNAH, *August 16, 1861.*

Hon. L. P. WALKER,
Secretary of War, Richmond:

SIR: Since I sent my letter to you of this date it occurs to me that Mr. Charles Green, of this city—a British subject, too, and equally responsible and reliable—is already in England, and willing and anxious to attend to any business intrusted to him for the Confederate States. Letters of instruction and bills of exchange can be sent to him via Tennessee and Louisville, and I have his cipher, with which I can correspond with him secretly, and I can send pilots from here to him, and they would only know they were going to England to meet him. Sterling exchange can be had here to the extent of $500,000 and $600,000 at 10 and 15 per cent.; in Charleston, about 12½

per cent., all bank drawn. Individual bills, 9 and 10 per cent. To buy for cash would save much more than the interest. To buy on time you would have to pay a commission for acceptance, banker's commissions, stamps, &c.

G. B. LAMAR.

EDENTON, N. C., *August 16, 1861.*

Hon. L. P. WALKER,
Secretary of War:

DEAR SIR: Owing to the peculiar character of the sea-coast of North Carolina, with its numerous inlets, which cannot be effectually guarded by all the vessels in the world, particularly during the autumn and winter months, I think it would be no difficult task to get arms, &c., from Europe, provided the arms can be sent to one of the West India Islands and there met by small-class vessels sent from our waters to receive and continue the transportation. I am willing to render any aid, and without remuneration. I have three steamers which, at any time that such an enterprise might demand, could be commanded, and at any time I have it in my power to engage schooners of light draft that might, under skillful navigators, reach, I think, in safety one of the West India Islands, and return, bringing arms, &c. We have with us men that can be trusted, and who have been used to the coasting trade from their boyhood, and are thoroughly acquainted with all the West India Islands. I should have written earlier, but have been indisposed since my return home, and indeed am not now able to write as fully as I wish.

Very respectfully and obediently, yours,

THOMAS D. WARREN.

I have taken the liberty of inclosing an old map of North Carolina,* which I beg you will accept with my compliments. It is one of the best maps as to its topography that I know.

T. D. W.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 17, 1861.

Capt. CALEB HUSE and
Maj. EDWARD C. ANDERSON,
C. S. Service, London:

GENTLEMEN: A remittance of $248,333.33 will be transmitted to you, together with this letter, by John Fraser & Co., of Charleston, S. C. You will immediately invest this sum in the purchase of arms and make shipment of them with all possible expedition. The reasons assigned to you for the important haste in my letter of July 22 exist with still greater force, notwithstanding three glorious victories have perched upon our banners. We want arms and must have them if they are to be had. I trust you will no longer confine yourselves to Great Britain and Belgium in your efforts, but that you will visit the different kingdoms in order to procure them. Our commissioners must not interfere with your shipment of arms. I say this in reply to Major Anderson's last letter. I again call your attention to the routes suggested in my letters of July 18 and 22, but at the same time

* Not found.

must leave to your presence and judgment the mode of shipment and the route to be selected.

Relying upon your exertions to procure for us arms, and upon your dexterity in shipping them in safety to some secure port from whence they will reach us at no distant day,

I remain, very respectfully,

L. P. WALKER,
Secretary of War.

P. S.—Other remittances will be made to you from time to time, and you need have no hesitation in making purchases for cash, as there is no difficulty in procuring money.

EXECUTIVE OFFICE,
Jackson, Miss., August 18, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: The thirty companies for the war which the President requested me to enlist and place in camps of instruction are now ready to go into camp and are impatient for orders to do so. I have forwarded the bonds of P. S. Catching and J. B. Chrisman, quartermaster and commissary for the camp at Brookhaven, and have ordered some three or four companies into camp there. No mustering officer has arrived there, and no provisions have been received. The companies there receive rations from the State. I have not received commissions for the quartermaster and commissary for the camp at Marion Station, and I have heard of no provision being made there for the fifteen companies ordered to rendezvous at that camp. Your attention to this matter at an early day will relieve me from some embarrassment in the premises and quiet the fears of some of the companies that they may not get into the service after all the trouble and expense which they have incurred in getting up their companies.

Respectfully,

JOHN J. PETTUS.

UNIVERSITY OF ALABAMA,
August 18, 1861.

Hon. L. P. WALKER,
Secretary of War, Richmond, Va.:

DEAR SIR: The inclosed letter from Captain Huse was received to-day at the office of the superintendent of the University of Alabama. He being absent in Virginia, it devolves on the undersigned to copy it and transmit the original and the copy. The copy will be sent by the mail of to-morrow.

Very respectfully, your obedient servant,

JNO. W. PRATT.

[Inclosure.]

PARIS, *July 22, 1861.*

Maj. J. GORGAS,
Corps of Artillery, C. S. Army:

MAJOR: I have the honor to inform you that my means of communicating with the War Department since my arrival in Europe have

been, as you must be aware, almost entirely cut off. I have felt the necessity of communicating, if such a thing were possible, but rather than have my letters fall into improper hands it has seemed to me better that I should defer writing till an opportunity offered of sending a letter through with safety. I learn that letters now pass from the United States to the Confederate States by way of Louisville, and I have decided to make use of that means of communication, by addressing my letter to a citizen of the Confederacy, with the request that he will forward it to the War Department.

Since I have been in Europe I have found my operations very much embarrassed from two causes. First, having but very limited means at my disposal, and the market being but poorly supplied with munitions of war, when at the same time there were several agents with large means at their command purchasing for other Governments, among which were the United States, Italy, Spain, Russia, and Peru. The U. S. agents and the agents of the individual Northern States were my most formidable competitors. Their orders appear to have been unlimited, both as regards price and quantity, and they paid cash in every instance. Under these circumstances I am certain that you cannot fail to appreciate the difficulties under which I have had to execute my orders. I should state, moreover, that the U. S. ministers to England, France, and Belgium have been very active in their endeavors to discover what the agents of the Confederacy are effecting. They have agents employed for no other purpose, and it is of the highest importance that these agents should be kept in ignorance of all the acts of any agent of the Confederacy. Any person that has ever become acquainted with Europe from personal experience knows how difficult it is for a stranger to keep his actions secret when spies are on his path. The gentleman who left Montgomery in May with orders to co-operate with me has been with me since his arrival in England, and in everything that has been done he has cordially co-operated with me.

We have found it impossible to purchase any arms that in our opinion could be classed as coming within the description contained in my letter of instructions. In such a time as the present neither that gentleman nor myself would have hesitated to depart from the strict letter of the Department, if by so doing we could have secured arms that in our opinion would have been valuable to the Army. We have found, however, that nothing was to be had in all Europe approaching to the requirements of our instructions or to our own standard of excellence. We have received communications from several parties that offered cannon, small-arms, accouterments, and, in fact, munitions of war of all kinds and of the best quality; but when we came to examine the samples we have found everything to be old and unserviceable, the small-arms either smooth-bored or that had once been and that were originally made with flint-locks. We have decided that we ought not to purchase such arms without explicit orders to that effect. Besides being arms of an inferior quality, in which the soldiers of the Army would have little confidence, the adding of another caliber would give rise to great confusion, and might lead to very disastrous results. We are informed that the U. S. agent—in this case the minister, Mr. Dayton—has purchased within a few days 30,000 old flint-lock muskets, which are to be altered before they are sent to the United States.

There are other muskets here in France of a similar character, which it will probably be possible to purchase. They are not such as

in our opinion are required, but it may be that we shall consider it important to prevent their falling into the hands of the enemy by purchasing them for the Confederacy. The statistics of the Italian war go to prove that the mortality is no greater with rifled arms than with smooth-bored barrels, and that the latter in the hands of disciplined troops would be quite as good as the best Enfield rifle. Whether the troops of the Confederate Army would have that confidence in such arms as would make them efficient is a question which we do not feel called upon to answer. If we could obtain these arms by giving an order on the Confederate Government in payment we should not hesitate to purchase them. They must, however, be paid for in cash—as, indeed, must everything else required in war at the present time. It is to be hoped that remittances have been sent forward before this, for I have entered into contracts which will require some 25 per cent. more than the amount which I have received, and I shall be compelled to pledge a portion of the property already purchased unless I receive money before the payments become due.

The agent for the Navy Department has co-operated with me, and all the small-arms that have been obtained by either are of the same caliber—that of the Enfield rifle, and sufficiently near to that of the Harper's Ferry rifle to admit of the same ammunition being used for both. Not feeling that there is any certainty of my letter being received by the War Department without having first been opened, I shall state what has been done in terms that can only be understood by the Department. Referring to Schedule A, inclosed with my orders, dated April 17, I shall have ready by the 1st of August 40 per cent. of the first-named article, 40 per cent. (two-fifths) of the third named, and material for as many more. There will also be ready at the same time accouterments in number nearly equal to the muskets purchased. The shipping of the articles will be left in the hands of the agent of the Navy Department. Everything purchased is of the best quality, and has been obtained at as low prices as the condition of the market permitted. By the end of October we shall have one-half the number named in the first line of the second schedule of purchases forwarded to me by letter to Liverpool. Every other article excepting the first named can be obtained without difficulty. All the preliminary arrangements for securing them from the best establishments in England have already been made.

I have the honor to be, very respectfully, your obedient servant,

C. H.

The gentleman who sailed in a small vessel from Savannah requests me to say that his last letter to the Department was dated July 6.

AN ACT to authorize the issue of Treasury notes and to provide a war tax for their redemption.

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury be, and he is hereby, authorized, from time to time, as the public necessities may require, to issue Treasury notes, payable to bearer at the expiration of six months after the ratification of a treaty of peace between the Confederate States and the United States, the said notes to be of any denomination not less than $5, and to be reissuable at pleasure until the same are payable; but

the whole issue outstanding at one time, including the amount issued under former acts, shall not exceed $100,000,000. The said notes shall be receivable in payment of the war tax hereinafter provided, and of all other public dues except the export duty on cotton, and shall also be received in payment of the subscriptions of the net proceeds of sales of raw produce and manufactured articles.

SEC. 2. That for the purpose of funding the said notes and of making exchange for the proceeds of the sale of raw produce and manufactured articles, or for the purchase of specie or military stores, the Secretary of the Treasury, with the assent of the President, is authorized to issue bonds, payable not more than twenty years after date, and bearing a rate of interest not exceeding 8 per cent. per annum until they become payable, the interest to be paid semi-annually, the said bonds not to exceed, in the whole, $100,000,000, and to be deemed a substitute for $30,000,000 of the bonds authorized to be issued by the act approved May sixteenth, eighteen hundred and sixty-one; and this act is to be deemed a revocation of the authority to issue the said $30,000,000. The said bonds shall not be issued in less sums than $100, nor in fractional parts of a hundred, except, when the subscription is less than $100, the said bonds may be issued in sums of $50. They may be sold for specie, military and naval stores, or for the proceeds of raw produce and manufactured articles, in the same manner as is provided by the act aforesaid; and whenever subscriptions of the same have been or shall be made payable at a particular date the Secretary of the Treasury shall have power to extend the time of sales until such date as he shall see fit to indicate.

SEC. 3. The holders of the said Treasury notes may, at any time, demand in exchange for them bonds of the Confederate States, according to such regulations as may be made by the Secretary of the Treasury. But whenever the Secretary of the Treasury shall advertise that he will pay off any portion of the said Treasury notes, then the privilege of funding, as to such notes, shall cease, unless there shall be a failure to pay the same in specie on presentation.

SEC. 4. That for the special purpose of paying the principal and interest of the public debt, and of supporting the Government, a war tax shall be assessed and levied of 50 cents upon each $100 in value of the following property in the Confederate States, namely: Real estate of all kinds; slaves; merchandise; bank stocks; railroad and other corporation stocks; money at interest or invested by individuals in the purchase of bills, notes, and other securities for money, except the bonds of the Confederate States of America, and cash on hand or on deposit in bank or elsewhere; cattle, horses, and mules; gold watches, gold and silver plate, pianos, and pleasure carriages: *Provided, however*, That when the taxable property hereinabove enumerated of any head of a family is of value less than $500, such taxable property shall be exempt from taxation under this act: *And provided further*, That the property of colleges and schools, and of charitable or religious corporations or associations actually used for the purposes for which such colleges, schools, corporations, or associations were created, shall be exempt from taxation under this act: *And provided further*, That all public lands and all property owned by a State for public purposes be exempt from taxation.

SEC. 5. That for the purpose of ascertaining all property included in the above classes, and the value thereof, and the person chargeable with the tax, each State shall constitute a tax division, over which shall be appointed one chief collector, who shall be charged with the

duty of dividing the State into a convenient number of collection districts, subject to the revisal of the Secretary of the Treasury. The said collector shall be appointed by the President, and shall hold his office for one year, and receive a salary of $2,000. He shall give bond with sureties to discharge the duties of his office in such amount as may be prescribed by the Secretary of the Treasury, and shall take oath faithfully to discharge the duties of his office and to support and defend the Constitution. The said chief collector shall, with the approbation of the Secretary of the Treasury, appoint a tax collector for each collection district, whose duty it shall be to cause an assessment to be made, on or before the first day of November next, of all the taxable property in his district included in each of the abovementioned classes of property, and the persons then owning or in possession thereof; and in order thereto the said tax collectors may appoint assessors, who shall proceed through every part of their respective districts, and after public notice, shall require all persons owning, possessing, or having the care and management of any property liable to the tax aforesaid, to deliver written lists of the same, which shall be made in such manner as may be required by the chief collector, and as far as practicable conformable to those which may be required for the same purpose under the authority of the respective States; and the said assessors are authorized to enter into and upon, all and singular, the premises for the purposes required by this act.

SEC. 6. If any person shall not be prepared to exhibit a written list when required, and shall consent to disclose the particulars of taxable property owned or possessed by him, or under his care and management, then it shall be the duty of the officer to make the list, which, being distinctly read and consented to, shall be received as the list of such person.

SEC. 7. That if any person shall deliver or disclose to any collector or assessor appointed in pursuance of this act and requiring a list as aforesaid any false or fraudulent list with intent to defeat or evade the valuation or enumeration hereby intended to be made, such person so offending shall be fined in a sum not exceeding $500, to be recovered in any court of competent jurisdiction.

SEC. 8. Any person who shall fail to deliver to the collector or assessor a list of his taxable property at the time prescribed by him shall be liable to a double tax upon all his taxable property, the same to be assessed by the collector or assessor, and to be collected in the same manner and by the same process as is herein provided as to the single tax.

SEC. 9. The lists shall be made in reference to the value and situation of the property on the first day of October next, and shall be made out, completed, and be delivered into the hands of each of the tax collectors on the first day of December next; and upon the receipt thereof each tax collector may, for twenty-one days next ensuing the said first of December, hear and determine all appeals from the said assessments, as well as applications for the reduction of a double tax, when such tax may have been incurred, to a single tax, which determination shall be final.

SEC. 10. The several tax collectors shall, on or before the first day of February ensuing, furnish to the chief collector of the State in which his district is situated a correct and accurate list of all the assessments made upon each person in his district and of the amount of tax to be paid by such person, specifying each object of taxation; and the said

chief collector shall collate the same in proper form and forward the collated list to the Secretary of the Treasury.

SEC. 11. The said several collectors shall, on the first day of May next, proceed to collect from every person liable for the said tax the amounts severally due and owing, and he shall previously give notice for twenty days in one newspaper, if any be published in his district, and by notifications in at least four public places in each township, ward, or precinct within his district, of the time and place at which he will receive the said tax; and on failure to pay the same it shall be the duty of the collector, within twenty days after the first day of May aforesaid, by himself or his deputies, to proceed to collect the said taxes by distress and sale of the goods, chattels, or effects of the persons delinquent. And in case of such distress it shall be the duty of the officer charged with the collection to make, or cause to be made, an account of the goods or chattels which may be distrained, a copy of which, signed by the officer making such distress, shall be left with the owner or possessor of such goods, chattels, or effects, or at his or her dwelling, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be publicly advertised or posted up at two public places nearest to the residence of the person whose property shall be distrained, or at the court-house of the same county, if not more than ten miles distant, which notice shall specify the articles distrained, and the time and place proposed for the sale thereof, which time shall not be less than ten days from the date of such notification, and the place proposed for the sale not more than five miles distant from the place of making such distress: *Provided*, That in any case of distress for the payment of the taxes aforesaid, the goods, chattels, or effects so distrained shall and may be restored to the owner or possessor if, prior to the sale thereof, payment, or tender thereof, shall be made to the proper officer charged with the collection of the full amount demanded, together with such fee for levying, and such sum for the necessary and reasonable expense of removing and keeping the goods, chattels, or effects so distrained, as may be allowed in like cases by the laws or practice of the State wherein the distress shall have been made; but in case of non-payment or tender as aforesaid, the said officers shall proceed to sell the said goods, chattels, or effects at public auction, and shall and may retain from the proceeds of such sale the amount demandable for the use of the Confederate States, with the necessary and reasonable expenses of distress and sale, and a commission of 5 per cent. thereon for his own use, rendering the overplus, if any there be, to the person whose goods, chattels, or effects shall have been distrained: *Provided*, That it shall not be lawful to make distress of the tools or implements of a trade or profession, beasts of the plow, and farming utensils necessary for the cultivation of improved lands, arms, or such household furniture or apparel as may be necessary for a family.

SEC. 12. That if the tax assessed on any real estate shall remain unpaid on the first day of June next, the tax collector of the district wherein the same is situated shall, on the first Monday in July thereafter, proceed to sell the same, or a sufficiency thereof, at public outcry, to the highest bidder, to pay said taxes, together with 20 per cent. on the amount of said taxes and costs of sale, said sale to be at the court-house door of the county or parish wherein said real estate is situated; and if there shall be more than one county or parish in a district, the said tax collector is authorized to appoint deputies to make

such sales in his name as he cannot attend to himself, and for all lands so sold by said deputies the deeds as hereinafter provided for shall be executed by said collector, and such sales so made shall be valid, whether the real estate so sold shall be assessed in the name of the true owner or not. But in all cases where the property shall not be divisible so as to enable the collector by a sale of part thereof to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the tax, costs, charges, and commissions, shall be paid to the owner of the property, or his legal representatives, or if he or they cannot be found, or refuse to receive the same, then such surplus shall be deposited in the Treasury of the Confederate States, to be there held for the use of the owner or his legal representatives, until he or they shall make application therefor to the Secretary of the Treasury, who, upon such application, shall, by warrant on the Treasury, cause the same to be paid to the applicant. And if the property offered for sale as aforesaid cannot be sold for the amount of the tax due thereon, with the said additional 20 per cent. thereto, the collector shall purchase the same in behalf of the Confederate States for the amount aforesaid: *Provided*, That the owner or superintendent of the property aforesaid, before the same shall have been actually sold, shall be allowed to pay the amount of the tax thereon, with an addition of 10 per cent. on the same, on the payment of which the sale of the said property shall not take place: *Provided also*, That the owners, their heirs, executors, or administrators, or any person on their behalf, shall have liberty to redeem any lands and other real property sold as aforesaid within two years from the time of sale, upon payment to the collector for the use of the purchaser, his heirs, or assignees, of the amount paid by such purchaser, with interest for the same at the rate of 20 per cent. per annum, and no deed shall be given in pursuance of such sale until the time of redemption shall have expired: *Provided further*, That when the owner of any land or other real property sold for taxes under the provisions of this act shall be in the military service of the Confederate States before and at the time said sales shall have been made, the said owner shall have the privilege of redeeming the said property at any time within two years after the close of his term of service. And the collector shall render a distinct account of the charges incurred in offering and advertising for sale such property, and shall pay into the Treasury the surplus, if any there be, of the aforesaid addition of 20 per cent., or 10 per cent., as the case may be, after defraying the charges. And in every case of the sale of real estate which shall be made under the authority of this act for the assessment and collection of direct taxes by the collectors or marshals, respectively, or their lawful deputies, respectively, or by any other person or persons, the deeds for the estate so sold shall be prepared, made, executed, and proved or acknowledged at the time and times prescribed in this act by the collectors, respectively, within whose collection district such real estate shall be situated, or, in case of their death or removal from office, by their successors, on payment of the purchase money, or producing a receipt therefor if already paid, in such form of law as shall be authorized and required by the laws of the Confederate States, or by the law of the State in which such real estate lies, for making, executing, proving, and acknowledging deeds of bargain and sale, or other conveyances for the transfer and conveyance of real estate; and for every deed so prepared, made, executed, proved, and acknowledged the purchaser or

grantee shall pay to the collector the sum of $5 for the use of the collector, marshal, or other person effecting the sale of the real estate thereby conveyed. The commissions hereinafter allowed to each collector shall be in full satisfaction of all services rendered by them. The assessors appointed under them shall be entitled to $3 for every day employed in making lists and assessments under this act, the number of days being certified by the collector and approved by the chief collector of the State, and also $5 for every 100 taxable persons contained in the list as completed by him and delivered to the collector: *Provided*, That when the owner of any real estate is unknown, or is a non-resident of the State or tax district wherein the same is situated, and has no agent resident in said district, the assessor shall himself make out a list of such real estate for assessment.

SEC. 13. Separate accounts shall be kept at the Treasury of all moneys received from each of the respective States, and the chief collector shall procure from each tax collector such details as to the tax, and shall classify the same in such manner as the Secretary of the Treasury shall direct, and so as to provide full information as to each subject of taxation.

SEC. 14. Each collector shall be charged with an interest of 5 per cent. per month for all moneys retained in his possession beyond the time at which he is required to pay over the same by law or by the regulations established by the Secretary of the Treasury.

SEC. 15. Each collector, before entering upon the duties of his office, shall give bond in such sum as shall be prescribed by the Secretary of the Treasury, with sufficient sureties, and shall take an oath faithfully to execute the duties of his office, and that he will support and defend the Constitution of the Confederate States.

SEC. 16. Upon receiving the tax due by each person the collector shall sign receipts in duplicate, one whereof shall be delivered to the person paying the same and the other shall be forwarded to the chief collector of that State. The money collected during each month, or during any shorter period which may be designated by the Secretary of the Treasury, shall be also immediately forwarded to the said chief collector, and by him be disposed of according to the direction of the Secretary of the Treasury; and the said chief collector shall report the same immediately to the Secretary of the Treasury, and shall furnish him with a list specifying the names and amounts of each of the receipts which shall have been forwarded to him as aforesaid by the district collectors.

SEC. 17. The taxes assessed on each person shall be a statutory lien for one year upon all the property of that person, in preference to any other lien, the said lien to take date from the first day of October, to which the valuation has relation, and the lands and other property of any collector shall be bound by statutory lien for five years for all moneys received by him for taxes, the date of such lien to commence from the time of his receiving the money.

SEC. 18. The compensation of the tax collectors shall be 5 per cent. on the first $10,000 received and 2½ per cent. on all sums beyond that amount until the compensation shall reach $800, beyond which no further compensation shall be paid.

SEC. 19. The Secretary of the Treasury is authorized to establish regulations suitable and proper to carry this act into effect, which regulations shall be binding on all officers; the said Secretary may also frame instructions as to all details, which shall be obligatory upon all parties embraced within the provisions of this act. He may also correct all errors in assessments, valuations, and tax lists, or in

the collection thereof, in such form and upon such evidence as the said Secretary may approve.

SEC. 20. Corporations are intended to be embraced under the word "persons" used in this act; and whenever the capital stock of any corporation is returned by the corporation itself and the tax paid, the stock in the hands of individuals shall be exempt from tax, and also all the real estate owned by the corporation and used for carrying on its business; and the capital stock of all corporations shall be returned and the tax paid by the corporations themselves, and not by the individual stockholders. The term "merchandise" is designed to embrace all goods, wares, and merchandise held for sale, except the agricultural products of the country. Money at interest is intended to include the principal sum of all money belonging to any person, other than a bank, upon which interest is paid or to be paid by the debtor, as the same stands on the first day of October. The term "cattle, horses, and mules" is intended to include all such animals as are raised for sale, and not such as are raised merely for food and work on the plantation or farm where they are held. The term "real estate" is intended to include all lands and estates therein, and all interests growing thereout, including ferries, bridges, mines and the like, and in all cases the actual marketable value of property is to be assessed.

SEC. 21. If any person shall at any time during the existence of the present war between the Confederate States and the United States, or within one year after the ratification of a treaty of peace between them, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any note in imitation of or purporting to be a Treasury note of the Confederate States, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering, any Treasury note of the Confederate States, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true any false, forged, or counterfeited note purporting to be a Treasury note of the Confederate States, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true any falsely altered Treasury note of the Confederate States, knowing the same to be falsely altered, or shall conspire, or attempt to conspire with another, to pass, utter, or publish, or attempt to pass, utter, or publish as true any falsely forged or counterfeited, or any falsely altered Treasury note of the Confederate States, knowing the same to be falsely forged or counterfeited or falsely altered—every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall suffer death.

SEC. 22. If any person shall at any time falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any bond or coupon in imitation of or purporting to be a bond or coupon of the Confederate States, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bond or coupon of the Confederate States, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true any false, forged, or counterfeited bond purporting to be a bond or coupon of the Confederate States, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true any falsely altered bond or coupon of the Confederate States, knowing the same to be falsely altered, or

shall conspire or attempt to conspire with another to pass, utter, or publish or attempt to pass, utter or publish as true any false, forged, or counterfeited bond or coupon purporting to be a bond or coupon of the Confederate States, or any falsely altered bond or coupon of the Confederate States, knowing the same to be falsely forged or counterfeited or falsely altered—every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at hard labor for a term not less than five years nor more than ten years and be fined in a sum not exceeding $5,000.

SEC. 23. If any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession any metallic plate engraved after the similitude of any plate from which any notes or bonds issued as aforesaid shall have been printed, with intent to use such plate, or cause or suffer the same to be used, in forging or counterfeiting any of the notes or bonds issued as aforesaid, or shall have in his custody or possession any blank note or notes, bond or bonds, engraved or printed after the similitude of any note or bond issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the notes or bonds issued as aforesaid; or shall have in his custody or possession any paper adapted to the making of notes or bonds, and similar to the paper upon which any such notes or bonds shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the notes or bonds issued as aforesaid—every such person being thereof lawfully convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a term not less than five nor more than ten years and fined in a sum not exceeding $5,000.

SEC. 24. If any State shall, on or before the first day of April next, pay in the Treasury notes of the Confederate States or in specie the taxes assessed against the citizens of such State, less 10 per cent. thereon, it shall be the duty of the Secretary of the Treasury to notify the same to the several tax collectors of such State, and thereupon their authority and duty under this act shall cease.

SEC. 25. If any person shall, at any time after one year from the ratification of a treaty of peace between the Confederate States and the United States, commit any of the acts described in the twenty-first section of this act, such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at hard labor for a period of not less than five years nor more than ten years and be fined in a sum not exceeding $5,000.

Approved August 19, 1861.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 19, 1861.

Honorable SECRETARY OF THE TREASURY:

SIR: Your attention is respectfully asked to the following communication just received at this Department:

CONFEDERATE STATES OF AMERICA, SUBSISTENCE DEPARTMENT,
Richmond, August 19, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I am under the necessity of calling your attention to the present exigencies of the commissariat. From all parts of the country troops are thronging to

different points, and the efforts of this department, hitherto successful, will be abortive unless funds of a character such as will be received by dealers are furnished from the Treasury. The agent for the department in Atlanta, Mr. Shackelford, has industriously collected from the counties around much salt meat and other articles, always and everywhere cash transactions. He has acted on the credit of this Government, and I made a requisition for $62,678.99 on the 13th of August, in Treasury notes, which are alone available for cash articles. Bonds have been sent to him and he can make no further purchases. Captain Shaaff, in charge of the depot at Nashville, writes that only bankable funds are received for provisions, and that he has lost coffee already agreed upon because he could not use bonds, which are not bankable. I have just made a requisition for $200,000 for purchase of subsistence stores at Nashville on estimates prepared by Captain Shaaff. If the Secretary of the Treasury cannot furnish the notes, then let some Treasury certificates be forwarded to the effect that notes will be forthcoming as soon as practicable. Perhaps the banks may receive that. An arrangement of some nature is absolutely necessary, and under the circumstances I can only state the necessity, not remedy it. Captain Palfrey, in New Orleans, states that the credit of the Government is suffering, and that he has been required by persons who have sold supplies to return in kind what remains unused as part payment of their bills. For the present the requisition of $110,000 current funds alone will suffice at that point, and is all-important. The alleged reason for the issue of bonds in lieu of Treasury notes is that there is some difficulty in the engraving.

I am, very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General of Subsistence.

Your early attention to this important communication would greatly benefit the public service and oblige, very respectfully,

L. P. WALKER,
Secretary of War.

CANTON, *August 19, 1861.*

President JEFFERSON DAVIS:

DEAR SIR: Under the requisition of the Secretary of War for 3,000 men to be thrown into camp of instruction at two different points in this State as Georgia's quota of 30,000 to be thrown into camp of instruction, I have ordered two regiments of 800 men each into camp at Camp McDonald, near Marietta. On Tuesday, the 27th instant, they will rendezvous. I have also ordered two regiments into camp at Camp Stephens, near Griffin, to rendezvous at the same time. This will be some 200 more than you required, but I supposed that would not be matter of objection. In addition to this number I have tendered a regiment raised by Col. E. W. Chastain, of Fannin County, who is very anxious to have them thrown into camp with the regiments at Camp McDonald, and there drilled. His company was from the mountain section of the State, and was made up of first rate fighting material. Colonel Chastain is very anxious to have his regiment received and ordered into camp. I have not arms and cannot arm them. He is of opinion he could get up enough of country rifles to arm half his regiment. Of this, however, he cannot be positive. He will only promise to do the best he can. Will you, under these circumstances, consent that Colonel Chastain's regiment be accepted and added to the other two regiments which are to compose the force in camp at Camp McDonald? An early answer will much oblige. I trust you will send forward the necessary officers to drill the regiments which go into camp on the 27th, and that you will cause full instructions to be sent at once, if not already done, to quartermasters and commissaries, that they may know how to get supplies, camp equipage, &c. I should be glad to equip these men for the Confederacy, but find my appropriations running so short that it will not be in my power. Some of them

have arms, but most of them will have none, and it is out of my power to supply them.

I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

RICHMOND, VA., *August 19, 1861.*

Governor HENRY T. CLARK,
Raleigh, N. C.:

General Gatlin, assigned to command in North Carolina, will be instructed to muster in the troops to be transferred.* Ten companies of infantry, cavalry, or artillery, if properly armed and equipped and organized as a regiment, will be accepted as such, with the officers authorized by the law of organization. Battalions of either arm, with similar restrictions, will be allowed field officers as fixed by law, and companies of either arm will in like manner be accepted with their proper officers. Staff officers are appointed by the Government of the Confederacy, and no other field officers can be received than those proper to the troops as organized when transferred. The laws herein referred to are those of the Confederate States. It is hoped that no necessity will exist for disbanding any troops who are prepared for duty in the field.

JEFF'N DAVIS.

AN ACT to aid the State of Missouri in repelling invasion by the United States, and to authorize the admission of said State as a member of the Confederate States of America, and for other purposes.

Whereas, the people of the State of Missouri have been prevented by the unconstitutional interference of the Government of the United States from expressing their will through their legally constituted authorities in regard to a union with the Confederate States of America, and are now engaged in repelling a lawless invasion of their territory by armed forces; and

Whereas, it is the right and duty of the Confederate States to aid the people and government of the said State in resisting such invasion, and in securing the means and the opportunity of expressing their will upon all questions affecting their rights and liberties: Now, therefore,

The Congress of the Confederate States of America do enact, That the President of the Confederate States of America be, and he is hereby, authorized to co-operate through the military power of this Government with the authorities and the people of the State of Missouri in defending that State against a lawless invasion by the United States, and in maintaining the liberty and independence of her people, and that he be authorized and empowered, at his discretion, to receive and muster into the service of the Confederate States, in the State of Missouri, such troops of that State as may volunteer to serve in the Army of the Confederate States, subject to the rules and regulations of said Army, and in accordance with the laws of Congress; and said troops may be received into service by companies, battalions, or regiments, with their officers elected by the troops, and the officers so elected shall be commissioned by the President; and when mustered

*For correspondence between Gatlin and Clark in relation to organization of North Carolina troops, &c., see Series I, Vol. LI, Part II.

into service said companies, battalions, or regiments may be attached to such brigades or divisions as the President may determine; and the President shall have power to appoint field officers for all battalions and regiments organized out of separate companies mustered into service, and to add to battalions a sufficient number of separate companies to complete their organization into regiments, and to appoint the additional field officers necessary for the complete organization of the regiments so formed; and all vacancies that may occur amongst the commissioned officers of troops mustered into service under this act shall be filled in the manner provided in the act entitled "An act for the establishment and organization of the Army of the Confederate States of America," approved sixth March, eighteen hundred and sixty-one.

SEC. 2. That the State of Missouri shall be admitted a member of the Confederate States of America, upon an equal footing with the other States, under the Constitution for the Provisional Government of the same, upon the condition that the said Constitution for the Provisional Government of the Confederate States shall be adopted and ratified by the properly and legally constituted authorities of said State; and the Governor of said State shall transmit to the President of the Confederate States an authentic copy of the proceedings touching said adoption and ratification by said State of said Provisional Constitution; upon the receipt whereof the President, by proclamation, shall announce the fact; whereupon and without any further proceedings upon the part of Congress the admission of said State of Missouri into this Confederacy under said Constitution for the Provisional Government of the Confederate States shall be considered as complete; and the laws of this Confederacy shall be thereby extended over said State of Missouri as fully and completely as over other States now composing the same.

SEC. 3. That the Congress of the Confederate States recognize the government of which Claiborne F. Jackson is the Chief Magistrate to be the legally elected and regularly constituted government of the people and State of Missouri; and that the President of the Confederate States be, and he is hereby, empowered, at his discretion, at any time prior to the admission of said State as a member of this Confederacy, to perfect and proclaim an alliance, offensive and defensive, with the said government, limited to the period of the existing war between this Confederacy and the United States; the said treaty or alliance to be in force from the date thereof, and until the same shall be disaffirmed or rejected by this Congress.

Approved August 20, 1861.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 20, 1861.

Capt. CALEB HUSE,
Maj. EDWARD C. ANDERSON,
Commissioners, &c., London:

GENTLEMEN: With the view of affording you every possible facility for the accomplishment of your difficult and precarious mission, this Department has from time to time communicated to you such suggestions with regard to the means of importing arms, &c., as had come within its possession and were likely to be of use to you in the formation of your plans. A suggestion of this character has just been

communicated by Dr. Thomas D. Warren, a wealthy and influential citizen of Edenton, N. C. Writing under date of August 16 he says:

> Owing to the peculiar character of the sea-coast of North Carolina, with its numerous inlets, which cannot be effectually guarded, particularly during the autumn and winter months, I think it would be no difficult task to get arms, &c., from Europe, provided the arms can be sent to one of the West India Islands and there met by small-class vessels sent from our waters to receive and continue the transportation. I am willing to render any aid, and without remuneration. I have three steamers which, at any time that such an enterprise might demand, could be commanded, and at any time I have it in my power to engage schooners of light draft that might, under skillful navigators, reach, I think, in safety one of the West India Islands, and return, bringing arms, &c. We have with us men that can be trusted, and who have been used to the coasting trade from their boyhood, and are thoroughly acquainted with all the West India Islands.

Similarly, in a letter of about the same date, H. G. Humphries, esq., of Mobile, Ala., offers the suggestion that if arms could be shipped on English bottoms with English clearances for Matamoras, in Mexico, consigned to Mexican agents there, they might then, with certainty and safety, be brought from Matamoras into our own country. These simultaneous suggestions will suffice to show you with what great interest our whole country is looking for the result of your important mission; and when you are informed that thousands of brave volunteers have been refused by this Department for want of arms, and other thousands are already in camp unable to move for want of them, while the enemy is daily augmenting his supplies, you will perceive that your success is every day becoming a question of greater and more pressing importance. The above suggestions are communicated for your consideration, not as instructions. The Department expects that you will in every case be guided by the best information within your reach as circumstances may arise, and that you will spare no expense and lose no time in at once pushing your enterprise to a speedy and successful conclusion.

I have the honor to remain, very respectfully,

L. P. WALKER,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 20, 1861.

H. G. HUMPHRIES, Esq.,
Mobile, Ala.:

SIR: The Secretary of War acknowledges the receipt of your letter of August 15, and returns thanks for the patriotic suggestions therein communicated, which shall receive due consideration from this Department.

Respectfully,

L. P. WALKER,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 20, 1861.

Dr. THOMAS D. WARREN,
Edenton, N. C.:

SIR: Your letter of August 16 has been received. Your patriotic suggestions with regard to the importation of arms, &c., are acknowledged and shall receive due consideration, while your own offer of

personal contribution to this enterprise is highly appreciated by this Department. The Secretary of War begs leave to express his thanks for your present of a map, which, besides its topographical excellence, possesses also an historical value.

Very respectfully,

L. P. WALKER,
Secretary of War.

AN ACT making appropriation for the services of physicians to be employed in conjunction with the medical staff of the Army.

The Congress of the Confederate States of America do enact, That there be appropriated, out of any money in the Treasury not otherwise appropriated, for the year ending the eighteenth of February, eighteen hundred and sixty-two, the sum of fifty thousand dollars for the services of physicians to be employed in conjunction with the medical staff of the Army.

Approved August 21, 1861.

AN ACT to provide for local defense and special service.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to accept the services of volunteers of such kind and in such proportion as he may deem expedient, to serve for such time as he may prescribe, for the defense of exposed places or localities, or such special service as he may deem expedient.

SEC. 2. And such forces shall be mustered into the service of the Confederate States, for the local defense or special service aforesaid, the muster-roll setting forth distinctly the services to be performed; and the said volunteers shall not be considered in actual service until thereunto specially ordered by the President. And they shall be entitled to pay or subsistence only for such time as they may be on duty under the orders of the President or by his direction.

SEC. 3. Such volunteer forces, when so accepted and ordered into service, shall be organized in accordance with and subject to all the provisions of the act entitled "An act to provide for the public defense," approved March sixth, one thousand eight hundred and sixty-one, and may be attached to such divisions, brigades, regiments, or battalions as the President may direct, and when not organized into battalions or regiments before being mustered into service the President shall appoint the field officers of the battalions and regiments when organized as such by him.

Approved August 21, 1861.

AN ACT to authorize the employment of cooks and nurses, other than enlisted men or volunteers, for the military service.

The Congress of the Confederate States of America do enact, That the better to provide for the sick and wounded the Secretary of War is authorized to direct the employment, when deemed necessary, of nurses and cooks, other than enlisted men or volunteers, the persons so employed being subject to military control, and in no case to receive pay above that allowed to enlisted men or volunteers.

SEC. 2. That there be appropriated for the pay of the nurses and cooks provided for in the above section $130,000.

Approved August 21, 1861.

AN ACT making appropriations for the public defense.

The Congress of the Confederate States of America do enact, That there be appropriated, out of any money in the Treasury not otherwise appropriated, for the year ending the eighteenth February, eighteen hundred and sixty-two, the sum of $57,000,000 for the pay of officers and privates of the Army, volunteers, and militia in the public service of the Confederate States; for quartermaster's supplies of all kinds, transportation, and other necessary expenses; for the purchase of subsistence, stores and commissary property for the ordnance service in all its branches; for engineering, and for the surgical and medical service of the Army, in all supplies and necessary expenditures.

SEC. 2. That the above appropriation shall be distributed amongst the several objects of appropriation above specified in such proportions as shall be determined by the Secretary of War, with the approval of the President.

Approved August 21, 1861.

AN ACT making appropriation for military hospitals.

The Congress of the Confederate States of America do enact, That the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment and support of military hospitals during the current fiscal year ending February eighteenth, eighteen hundred and sixty-two,

Approved August 21, 1861.

AN ACT supplemental to "An act to put in operation the Government under the permanent Constitution of the Confederate States of America."

The Congress of the Confederate States of America do enact, That where in any State of this Confederacy there shall be no regular session of the Legislature to be held prior to the eighteenth of February, eighteen hundred and sixty-two, it is hereby provided, in obedience to the seventh article of the permanent Constitution, that the election of Senators for the First Congress may be made at any special or extra session of the Legislature of such State prior to the said eighteenth of February, eighteen hundred and sixty-two.

Approved August 21, 1861.

AN ACT to increase the Corps of Artillery, and for other purposes.

The Congress of the Confederate States of America do enact, That there be added to the Corps of Artillery, C. S. Army, one lieutenant-colonel and two majors, with the pay and allowances authorized by existing laws for those grades, respectively.

SEC. 2. That the President be, and he is hereby, authorized to appoint, in addition to the store-keepers authorized by the fifth section of the act of May sixteen, eighteen hundred and sixty-one, "for

the establishment and organization of the Army of the Confederate States," as many military store-keepers of ordnance, with the pay and allowance of a captain of infantry, as the safe-keeping of the public property may require, not to exceed in all four store-keepers, who shall, previous to entering on duty, give bonds with good and sufficient security, in such sums as the Secretary of War may direct, fully to account for all moneys and public property which they may receive.

SEC. 3. That the President be, and he is hereby, authorized, whenever in his judgment the interests of the service may require, and where officers of the Army cannot be assigned to these duties, to appoint one or more superintendents of armories for the fabrication of small-arms, whose salary shall not exceed $2,500 per annum, with allowance for quarters and fuel at the rate fixed for a major in the Army. And that the President be also authorized to appoint two or more master armorers, with a salary not to exceed $1,500 per annum, with allowance of quarters and fuel at the rate fixed for a captain in the Army.

SEC. 4. That during the existing war the President may, as commander-in-chief of the forces, appoint, at his discretion, for his personal staff, two aides-de-camp, with the rank, pay, and allowances of a colonel of cavalry.

SEC. 5. That hereafter there shall be allowed one additional sergeant to each company in the service of the Confederate States, making in all five sergeants per company, who shall receive the same pay and allowances as are provided by existing laws for that grade.

Approved August 21, 1861.

A RESOLUTION in relation to the equipments of volunteer cavalry companies.

Resolved by the Congress of the Confederate States of America, That the Secretary of War be, and he is hereby, authorized, in his discretion, to furnish to volunteer cavalry companies whose services are accepted for the war by the Confederate States all necessary equipments.

Approved August 21, 1861.

SPECIAL ORDERS, No. 130. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, August 21, 1861.*

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XI. Maj. Danville Leadbetter, Corps of Engineers, having been assigned to duty as acting chief of the Engineer Bureau, all orders and instructions conveyed through him will be official.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

RICHMOND, VA., *August 21, 1861.*

Governor A. B. MOORE,
Montgomery, Ala.:

Have you not cavalry pistols and sabers which you can place at the disposal of the Government?

L. P. WALKER.

MONTGOMERY, ALA., *August 22, 1861.*

L. P. WALKER,
Secretary of War:

No cavalry pistols or sabers which I can place at your disposal.

A. B. MOORE.

COLUMBIA, *August 22, 1861.*

S. COOPER,
Adjutant and Inspector General:

The regimental organization of State troops under the last call will be delayed by difficulty in electing field officers. The companies are in camp, and are being disorganized by the delay. Please allow me to have them mustered in by companies, and not wait until the regiments are formed. I fear the consequences.

CHARLES H. SIMONTON,
Adjutant and Inspector General of South Carolina.

RICHMOND, *August 23, 1861.*

CHARLES H. SIMONTON,
Columbia, S. C.:

You must refer to Governor F. W. Pickens, who is authorized to have the troops received either by regiments or by separate companies. If by companies, the election of officers cannot take place. In no case can muster precede election.

S. COOPER,
Adjutant and Inspector General.

RICHMOND, *August 24, 1861.*

Governor A. B. MOORE,
Montgomery, Ala.:

Can't you arm another regiment of infantry?

L. P. WALKER.

MONTGOMERY, *August 25, 1861.*

Hon. L. P. WALKER,
Secretary of War:

It is impossible for me to arm another regiment.

A. B. MOORE.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 27, 1861.

His Excellency JOSEPH E. BROWN,
Governor of Georgia:

SIR: Your letter of the 19th instant, addressed to the President, has been referred to this Department. The regiment of Colonel Chastain may be added to the four you report under the requisition recently made upon Georgia for 3,000 men, provided it be partially armed, as suggested by you. Your Excellency will oblige this Department by

having these regiments equipped at the charge of this Government. The quartermasters and commissaries nominated by you have been appointed. They will procure the supplies needed, and make requisitions upon the Quartermaster-General and Commissary-General, on which proper funds will be remitted.

With high consideration,

L. P. WALKER,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 28, 1861.

Adjutant-General BURGEVIN,
Adjutant-General of Arkansas, Little Rock:

SIR: Your official letter of August 15 has been received. The information communicated to the Department on behalf of the Governor is respectfully acknowledged, and is in itself both satisfactory to the Department and highly honorable to the State of Arkansas. The Department is assured anew thereby of the fidelity of her Executive and the patriotism of her people. The suggestions contained in your report with regard to modifications in the mode of raising troops in Arkansas, under the call of 30th of June, have been respectfully considered; but as they would, if adopted, involve a departure from the whole policy of the Government, which was adopted upon mature consideration and has been applied equally to all the States of the Confederacy, they must be respectfully declined.

On two points, however, here involved, His Excellency the Governor and yourself seem to be laboring under a misunderstanding which it is important to correct. The provision of the call of 30th of June referred to, that the field officers of the troops so raised should be appointed by the President, has been subsequently modified, by a dispatch which His Excellency can hardly have failed to receive, so as to apply only to troops accepted by companies, to be afterward organized into regiments, &c., while to troops offered and accepted by regiments, the right of electing their own field officers still belongs, as a matter of course. Even where the field officers are appointed by the President the particular interests of the State in question and the known wishes of the body of the troops, though not necessarily followed in every case, would certainly not be disregarded by him where the parties were qualified. The objection, therefore, that the plan of the Government removes all motive for personal exertion and sacrifice in raising troops, &c., is, it is hoped, entirely obviated; and the fact that under the plan adopted by the Government the troops are to be raised by those to whom no commissions have yet been promised, and whose positions are yet to be won, instead of by already commissioned recruiting officers, as His Excellency proposes, would, it is thought, certainly stimulate rather than impair such individual exertions.

In the second place, the provision for ordering the new troops into camps of instruction is designed to apply, beyond the actual need of immediate instruction, only to unarmed troops, who yet then receive all the privileges of troops in actual service, and this condition is intended to be prolonged only until the Government shall be able to furnish the necessary arms. The delay thus arising it is hoped may not now be long protracted, but the Department would certainly be

glad to adopt any suggestions whereby such delay might be still further shortened or its necessity entirely obviated. Troops already armed, however, are still received for twelve months, but those unarmed are not, for the reason that the Government cannot undertake to arm such troops while so many for the war are still awaiting arms.

Trusting that His Excellency the Governor and yourself may see the reasonableness of these views,

I have the honor to be, very respectfully,

L. P. WALKER,
Secretary of War.

[AUGUST 29, 1861.—For Walker to Pickens, ordering the First Regiment South Carolina Rifles to proceed to Richmond, see Series I, Vol. LI, Part II, p. 259.]

AN ACT making appropriation for the purchase of a steamer and certain military supplies.

The Congress of the Confederate States of America do enact, That the sum of $1,000,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of a steamer, and such supplies of leather, shoes, flannel and woolen clothing, and blankets for the use of the troops in the service of the Confederate States—the said appropriation to be expended under the direction of the President.

Approved August 30, 1861.

AN ACT to amend the second section of "An act concerning the transportation of soldiers and allowance for clothing of volunteers, and amendatory of the 'Act for the establishment and organization of the Army of the Confederate States.'"

The Congress of the Confederate States of America do enact, That the Secretary of War be, and he is hereby, authorized and required to provide, as far as possible, clothing for the entire forces of the Confederate States, and to furnish the same to every regiment or company upon the requisition of the commander thereof, the quantity, quality, and kind thereof to be established by regulation of the Department, to be approved by the President; and in case any State shall furnish to its troops and volunteers in the Confederate service such clothing, then the Secretary of War is required to pay over to the Governor of such State the money value of the clothing so furnished.

SEC. 2. The commander of every volunteer company shall have the privilege of receiving commutation for clothing at the rate of $25 per man for every six months, when they shall have furnished their own clothing.

Approved August 30, 1861.

AN ACT to authorize the establishment of recruiting stations for volunteers from the States of Kentucky, Missouri, Maryland, and Delaware.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to establish recruiting stations within the Confederate States for the reception of volunteers into the military service of the Confederate States from among persons who are, or have been, residents of the States of Kentucky, Missouri, Maryland, and Delaware.

SEC. 2. That the President be authorized to grant commissions as captains to such persons as he may think fit to raise and command companies to be composed of such volunteers; upon the condition, however, that such officers shall not hold rank or receive pay until such companies have been raised and are mustered into service.

SEC. 3. Whenever such recruits shall amount to a sufficient number to be formed into companies, the President may direct the same to be so organized, appointing all commissioned officers of the several companies in addition to the captains provided for in the preceding section. And such companies may be organized into regiments in like manner under the direction of the President.

SEC. 4. Until such recruits shall amount to a sufficient number to be organized into companies, they shall receive no compensation except their clothing and rations.

Approved August 30, 1861.

AN ACT to audit the accounts of the respective States against the Confederacy.

The Congress of the Confederate States of America do enact, That it shall be the duty of such Auditor or Auditors of the Treasury Department as may be designated by the Secretary of the Treasury, and to that end the said Secretary be authorized to appoint as many extra clerks for the time as he may deem necessary, at the rate of salary now allowed for clerks of the Treasury Department, to audit the accounts and claims of the respective States of the Confederacy against the Confederate Government for the advances and expenditures made by the said States respectively for the use and benefit of the Confederacy in preparation for or in conducting the war now existing against the United States, and all claims for advances or expenditures of any kind made by any State prior to the passage of its ordinance of secession shall be shown to have been made in contemplation of the act of secession afterward consummated, and of the war that might probably ensue, or in the seizure or acquisition of forts, arsenals, navy-yards, armaments, munitions, and other useful instrumentalities of war, or in the purchase or manufacture of arms or munitions which have since been transferred to the Confederacy, or in some regular mode been brought into its service for the prosecution of the war aforesaid, before such claims shall be audited and the amount ascertained.

SEC. 2. And in auditing the claims of the States of Virginia, North Carolina, and Tennessee, reference shall be had to the special compacts and engagements had with those States respectively by the Confederate Government in view of their proposed adhesion to the Provisional Constitution, or of the support of their armaments and the prosecution of the war afterward, and all claims coming fairly within the purview of such compacts, being properly verified by vouchers, shall, in favor of said States, be audited and ascertained.

SEC. 3. That proof shall be made in all cases by proper vouchers to the satisfaction of the Auditor that the amount claimed was actually advanced or expended, that the expenditure was proper, and no greater amount for pay and services shall be audited than is allowed by the regulations of the Confederate Government for pay and services in the like cases, and the Auditor shall make a special report of his action under this law to the Congress at its next session.

SEC. 4. The Secretary of the Treasury shall cause notice to be forwarded to the Executive of each of the States of this Confederacy, immediately after the passage of this act, calling on such Executive to forward the claims which may be held by his State, subject to be audited under the provisions of this act.

Approved August 30, 1861.

AN ACT to provide for the defense of the Mississippi River.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to cause such floating defenses as he may deem best adapted to the protection of the Mississippi River against a descent of iron-plated steam gun-boats, to be constructed or prepared with the least possible delay.

Approved August 30, 1861.

AN ACT for the sequestration of the estates, property, and effects of alien enemies, and for the indemnity of citizens of the Confederate States and persons aiding the same in the existing war with the United States.

Whereas, the Government and people of the United States have departed from the usages of civilized warfare in confiscating and destroying the property of the people of the Confederate States of all kinds, whether used for military purposes or not; and

Whereas, our only protection against such wrongs is to be found in such measures of retaliation as will ultimately indemnify our own citizens for their losses, and restrain the wanton excesses of our enemies: Therefore,

Be it enacted by the Congress of the Confederate States of America, That all and every the lands, tenements and hereditaments, goods and chattels, rights and credits within these Confederate States, and every right and interest therein held, owned, possessed, or enjoyed by or for any alien enemy since the twenty-first day of May, one thousand eight hundred and sixty-one, except such debts due to an alien enemy as may have been paid into the treasury of any one of the Confederate States prior to the passage of this law, be, and the same are hereby, sequestrated by the Confederate States of America, and shall be held for the full indemnity of any true and loyal citizen or resident of these Confederate States, or other person aiding said Confederate States in the prosecution of the present war between said Confederate States and the United States of America, and for which he may suffer any loss or injury under the act of the United States to which this act is retaliatory, or under any other act of the United States, or of any State thereof authorizing the seizure, condemnation, or confiscation of the property of citizens or residents of the Confederate States, or other person aiding said Confederate States, and the same shall be seized and disposed of as provided for in this act: *Provided, however*, When the estate, property, or rights to be affected

by this act were, or are, within some State of this Confederacy, which has become such since said twenty-first day of May, then this act shall operate upon and as to such estate, property, or rights, and all persons claiming the same from and after the day such State so became a member of this Confederacy, and not before: *Provided further*, That the provisions of the act shall not extend to the stocks or other public securities of the Confederate Government, or of any of the States of this Confederacy held or owned by any alien enemy, or to any debt, obligation, or sum due from the Confederate Government, or any of the States, to such alien enemy: *And provided also*, That the provisions of this act shall not embrace the property of citizens or residents of either of the States of Delaware, Maryland, Kentucky, or Missouri, or of the District of Columbia, or the Territories of New Mexico, Arizona, or the Indian Territory south of Kansas, except such of said citizens or residents as shall commit actual hostilities against the Confederate States, or aid and abet the United States in the existing war against the Confederate States.

SEC. 2. *And be it further enacted*, That it is, and shall be, the duty of each and every citizen of these Confederate States speedily to give information to the officers charged with the execution of this law of any and every lands, tenements and hereditaments, goods and chattels, rights and credits within this Confederacy, and of every right and interest therein held, owned, possessed, or enjoyed by or for any alien enemy as aforesaid.

SEC. 3. *Be it further enacted*, That it shall be the duty of every attorney, agent, former partner, trustee, or other person holding or controlling any such lands, tenements or hereditaments, goods or chattels, rights or credits, or any interest therein of or for any such alien enemy, speedily to inform the receiver, hereinafter provided to be appointed, of the same and to render an account thereof, and so far as is practicable to place the same in the hands of such receiver; whereupon such persons shall be fully acquitted of all responsibility for property and effects so reported and turned over. And any such person willfully failing to give such information and render such account shall be guilty of a high misdemeanor, and upon indictment and conviction shall be fined in a sum not exceeding $5,000 and imprisoned not longer than six months, said fine and imprisonment to be determined by the court trying the case, and shall further be liable to be sued by said Confederate States and subjected to pay double the value of the estate, property, or effects of the alien enemy held by him or subject to his control.

SEC. 4. It shall be the duty of the several judges of this Confederacy to give this act specially in charge to the grand juries of these Confederate States, and it shall be their duty at each sitting well and truly to inquire and report all lands, tenements and hereditaments, goods and chattels, rights and credits, and every interest therein within the jurisdiction of said grand jury held by or for any alien enemy, and it shall be the duty of the several receivers, appointed under this act, to take a copy of such report and to proceed in obtaining the possession and control of all such property and effects reported and to institute proceedings for the sequestration thereof in the manner hereinafter provided.

SEC. 5. *Be it further enacted*, That each judge of this Confederacy shall as early as practicable appoint a receiver for each section of the State for which he holds a court, and shall require him before entering upon the duties of his office to give a bond in such penalty as may be

prescribed by the judge, with good and sufficient security, to be approved by the judge, conditioned that he will diligently and faithfully discharge the duties imposed upon him by law. And said officer shall hold his office at the pleasure of the judge of the district or section for which he is appointed, and shall be removed for incompetency, or inefficiency, or infidelity in the discharge of his trust And should the duties of any such receiver at any time appear to the judge to be greater than can be efficiently performed by him, then it shall be the duty of the judge to divide the district or section into one or more other receivers' districts, according to the necessities of the case, and to appoint a receiver for each of said newly created districts. And every such receiver shall also, before entering upon the duties of his office, make oath in writing before the judge of the district or section for which he is appointed, diligently, well, and truly to execute the duties of his office.

SEC. 6. *Be it further enacted*, That it shall be the duty of the several receivers aforesaid to take the possession, control, and management of all lands, tenements and hereditaments, goods and chattels, rights and credits of each and every alien enemy within the section for which he acts. And to this end he is empowered and required, whenever necessary for accomplishing the purposes of this act, to sue for and recover the same in the name of said Confederate States, allowing, in the recovery of credits, such delays as may bave been, or may be, prescribed in any State as to the collection of debts therein during the war. And the form and mode of action, whether the matter be of jurisdiction in law or equity, shall be by petition to the court, setting forth, as best he can, the estate, property, right, or thing sought to be recovered, with the name of the person holding, exercising supervision over, in possession of, or controlling the same, as the case may be, and praying a sequestration thereof. Notice shall thereupon be forthwith issued by the clerk of the court, or by the receiver, to such person, with a copy of the petition, and the same shall be served by the marshal or his deputy and returned to the court as other mesne process in law cases; whereupon the cause shall be docketed and stand for trial in the court according to the usual course of its business, and the court or judge shall at any time make all orders of seizure that may seem necessary to secure the subject-matter of the suit from danger of loss, injury, destruction, or waste, and may, pending the cause, make orders of sale in cases that may seem to such judge or court necessary to preserve any property sued for from perishing or waste: *Provided*, That in any case when the Confederate judge shall find it to be consistent with the safe-keeping of the property so sequestered to leave the same in the hands and under the control of any debtor or person in whose hands the real estate and slaves were seized, who may be in possession of the said property or credits, he shall order the same to remain in the hands and under the control of said debtor or person in whose hands the real estate and slaves were seized, requiring in every such case such security for the safe-keeping of the property and credits as he may deem sufficient for the purpose aforesaid, and to abide by such further orders as the court may make in the premises. But this proviso shall not apply to bank or other corporation stock, or dividends due, or which may be due thereon, or to rents on real estate in cities. And no debtor or other person shall be entitled to the benefit of this proviso unless he has first paid into the hands of the receiver all interests or net profits which may have accrued since the twenty-first of May, eighteen hun-

dred and sixty-one; and in all cases coming under this proviso, such debtor shall be bound to pay over annually to the receiver all interest which may accrue as the same falls due; and the person in whose hands any other property may be left shall be bound to account for, and pay over annually to the receiver, the net income or profits of said property, and on failure of such debtor or other person to pay over such interest, net income, or profits as the same falls due, the receiver may demand and recover the debt or property. And wherever, after ten days' notice to any debtor or person in whose hands property or debts may be left, of an application for further security, it shall be made to appear to the satisfaction of the court that the securities of such debtor or person are not ample, the court may, on the failure of the party to give sufficient additional security, render judgment against all the parties on the bond for the recovery of the debt or property: *Provided further*, That said court may, whenever, in the opinion of the judge thereof, the public exigencies may require it, order the money due as aforesaid to be demanded by the receiver, and if upon demand of the receiver, made in conformity to a decretal order of the court requiring said receiver to collect any debts for the payment of which security may have been given under the provisions of this act, the debtor or his security shall fail to pay the same, then upon ten days' notice to said debtor and his security, given by said receiver, of a motion to be made in said court for judgment for the amount so secured, said court, at the next term thereof, may proceed to render judgment against said principal and security, or against the party served with such notice, for the sum so secured, with interest thereon, in the name of said receiver, and to issue execution therefor.

SEC. 7. Any person in the possession and control of the subject-matter of any such suit, or claiming any interest therein, may, by order of the court, be admitted as a defendant and be allowed to defend to the extent of the interest propounded by him; but no person shall be heard in defense until he shall file a plea, verified by affidavit and signed by him, setting forth that no alien enemy has any interest in the right which he asserts, or for which he litigates, either directly or indirectly, by trust, open or secret, and that he litigates solely for himself or for some citizen of the Confederate States whom he legally represents; and when the defense is conducted for or on account of another, in whole or part, the plea shall set forth the name and residence of such other person, and the relation that the defendant bears to him in the litigation. If the cause involves matter which should be tried by a jury according to the course of the common law, the defendant shall be entitled to a jury trial. If it involves matters of equity jurisdiction the court shall proceed according to its usual mode of procedure in such cases; and the several courts of this Confederacy may from time to time establish rules of procedure under this act, not inconsistent with the act or other laws of these Confederate States.

SEC. 8. *Be it further enacted*, That the clerk of the court shall, at the request of the receiver, from time to time issue writs of garnishment, directed to one or more persons, commanding them to appear at the then sitting or at any future term of the court, and to answer under oath what property or effects of any alien enemy he had at the service of the process, or since has had under his possession or control belonging to or held for an alien enemy, or in what sum if any he is or was at the time of service of the garnishment, or since has been, indebted to any alien enemy; and the court shall have power to

condemn the property or effects or debts, according to the answer, and to make such rules and orders for the bringing in of third persons claiming or disclosed by the answer to have an interest in the litigation as to it shall seem proper; but in no case shall any one be heard in respect thereto until he shall by sworn plea set forth substantially the matters before required of parties pleading. And the decree or judgment of the court rendered in conformity to this act shall forever protect the garnishee in respect to the matter involved. And in all cases of garnishment under this act the receiver may test the truth of the garnishee's answer by filing a statement, under oath, that he believes the answer to be untrue, specifying the particulars in which he believes the garnishee has, by omission or commission, not answered truly, whereupon the court shall cause an issue to be made between the receiver and garnishee, and judgment rendered as upon the trial of other issues. And in all cases of litigation under this act the receiver may propound interrogatories to the adverse party touching any matter involved in the litigation, a copy of which shall be served on the opposite party or his attorney, and which shall be answered under oath within thirty days of such service; and upon failure so to answer the court shall make such disposition of the cause as shall to it seem most promotive of justice, or should it deem answers to the interrogatories necessary in order to secure a discovery, the court shall imprison the party in default until full answers shall be made.

SEC. 9. It shall be the duty of the district attorney of the Confederate States diligently to prosecute all causes instituted under this act, and he shall receive as a compensation therefor 2 per cent. upon and from the fruits of all litigation instituted under this act: *Provided*, That no matter shall be called litigated except a defendant be admitted by the court and a proper plea be filed.

SEC. 10. *Be it further enacted*, That each receiver appointed under this act shall, at least every six months, and as much oftener as he may be required by the court, render a true and perfect account of all matters in his hands or under his control under the law, and shall make and state just and perfect accounts and settlements under oath of his collections of moneys and disbursements under this law, stating accounts and making settlements of all matters separately, in the same way as if he were administrator of several estates of deceased persons by separate appointments. And the settlements and decrees shall be for each case or estate separately, so that the transaction in respect to each alien enemy's property may be kept recorded and preserved separately. No settlement as above provided shall, however, be made until judgment or decree of sequestration shall have passed; but the court may at any time pending litigation require an account of matters in litigation and in the possession of the receiver, and may make such orders touching the same as shall protect the interest of the parties concerned.

SEC. 11. When the accounts of any receiver shall be filed respecting any matter which has passed sequestration, the court shall appoint a day for settlement, and notice thereof shall be published consecutively for four weeks in some newspaper near the place of holding the court, and the clerk of the court shall send a copy of such newspaper to the district attorney of the Confederate States for the court where the matter is to be heard, and it shall be the duty of said district attorney to attend the settlement and represent the Government and to see that a full, true, and just settlement is made. The several set-

tlements preceding the final one shall be interlocutory only, and may be impeached at the final settlements, which latter shall be conclusive, unless reversed or impeached within two years for fraud.

SEC. 12. *Be it further enacted*, That the court having jurisdiction of the matter shall, whenever sufficient cause is shown therefor, direct the sale of any personal property, other than slaves, sequestered under this act, on such terms as to it shall seem best, and such sale shall pass the title of the person as whose property the same has been sequestered.

SEC. 13. All settlements of accounts of receivers for sequestered property shall be recorded and a copy thereof shall be forwarded by the clerk of the court to the Treasurer of the Confederate States within ten days after the decree, interlocutory or final, has been passed; and all balances found against the receiver shall by him be paid over into the court, subject to the order of the Treasurer of the Confederate States, and upon the failure of the receiver for five days to pay over the same execution shall issue therefor, and he shall be liable to attachment by the court and to suit upon his bond. And any one embezzling any money under this act shall be liable to indictment, and on conviction shall be confined at hard labor for not less than six months nor more than five years, in the discretion of the court, and fined in double the amount embezzled.

SEC. 14. *Be it further enacted*, That the President of the Confederate States shall, by and with the advice and consent of Congress, or of the Senate if the appointment be made under the permanent Government, appoint three discreet commissioners, learned in the law, who shall hold at the seat of Government two terms each year, upon notice given, who shall sit so long as the business before them shall require, whose duty it shall be, under such rules as they may adopt, to hear and adjudge such claims as may be brought before them by any one aiding this Confederacy in the present war against the United States, who shall allege that he has been put to loss under the act of the United States in retaliation of which this act is passed, or under any other act of the United States, or of any State thereof, authorizing the seizure, condemnation, or confiscation of the property of any citizen or resident of the Confederate States, or other person aiding said Confederate States in the present war with the United States, and the finding of such commissioners in favor of any such claim shall be prima facie evidence of the correctness of the demand, and whenever Congress shall pass the claim, the same shall be paid from any money in the Treasury derived from sequestration under this act: *Provided*, That said Board of Commissioners shall not continue beyond the organization of the Court of Claims provided for by the Constitution, to which Court of Claims the duties herein provided to be discharged by commissioners shall belong upon the organization of said court. The salaries of said commissioners shall be at the rate of $2,500 per annum, and shall be paid from the Treasury of the Confederacy. And it shall be the duty of the Attorney-General or his assistant to represent the interests of this Government in all cases arising under this act before said Board of Commissioners.

SEC. 15. *Be it further enacted*, That all expenses incurred in proceedings under this act shall be paid from the sequestered fund, and the judges, in settling accounts with receivers, shall make to them proper allowances of compensation, taking 2½ per cent. on receipts, and the same amount on expenditures, as reasonable compensation in all cases. The fees of the officers of court shall be such as are

allowed by law for similar services in other cases, to be paid, however, only from the sequestered fund: *Provided*, That all sums realized by any receiver in one year for his services exceeding $5,000 shall be paid into the Confederate Treasury for the use of the Confederacy.

SEC. 16. *Be it further enacted*, That the Attorney-General shall prescribe such uniform rules of proceeding under this law, not herein otherwise provided for, as shall meet the necessities of the case.

SEC. 17. *Be it further enacted*, That appeals may lie from any final decision of the court under this law, in the same manner and within the same time as is now or hereafter may be by law prescribed for appeals in other civil cases.

SEC. 18. *Be it further enacted*, That the word "person" in this law includes all private corporations, and in all cases when corporations become parties and this law requires an oath to be made it shall be made by some officer of such corporation.

SEC. 19. *Be it further enacted*, That the courts are vested with jurisdiction and required by this act to settle all partnerships heretofore existing between a citizen and one who is an alien enemy; to separate the interest of the alien enemy, and to sequestrate it; and shall also sever all joint rights when an alien enemy is concerned, and sequestrate the interest of such alien enemy.

SEC. 20. *Be it further enacted*, That in all cases of administration of any matter or thing under this act, the court having jurisdiction may make such orders touching the preservation of the property or effects under the direction or control of the receiver, not inconsistent with the foregoing provisions, as to it shall seem proper. And the receiver may at any time ask and have the instructions of the court, or judge, respecting his conduct in the disposition or management of any property or effects under his control.

SEC. 21. That the Treasury notes of this Confederacy shall be receivable in payment of all purchases of property or effects sold under this act.

SEC. 22. *Be it further enacted*, That nothing in this act shall be construed to destroy or impair the lien or other rights of any creditor, a citizen or resident of either of the Confederate States, or of any other person, a citizen or resident of any country, State, or Territory with which this Confederacy is in friendship, and which person is not in actual hostility to this Confederacy. And any lien or debt claimed against any alien enemy, within the meaning of this act, shall be propounded and filed in the court in which the proceedings of sequestration are had within twelve months from the institution of such proceedings for sequestration; and the court shall cause all proper parties to be made and notices to be given, and shall hear and determine the respective rights of all parties concerned: *Provided, however*, That no sales or payments over of money shall be delayed for or by reason of such rights or proceedings; but any money realized by the receiver, whether paid into the court or Treasury, or still in the receiver's hands, shall stand in lieu of that which produced said money, and be held to answer the demands of the creditors aforesaid, in the same manner as that which produced such money was. And all claims not propounded and filed as aforesaid, within twelve months as aforesaid, shall cease to exist against the estate, property, or effects sequestrated, or the proceeds thereof.

Approved August 30, 1861.

AN ACT to perpetuate testimony in cases of slaves abducted or harbored by the enemy, and of other property seized, wasted, or destroyed by them.

The Congress of the Confederate States of America do enact, That when any slave or slaves owned by a citizen of the Confederate States, or an inhabitant thereof, shall be, or may have been, abducted or harbored by the enemy, or by any person or persons acting under the authority or color of authority of the United States Government, or engaged in the military or naval service thereof during the existing war, it shall be lawful for the owner or his attorney to appear before any judge of the Confederate States, or a commissioner of any court thereof, or any notary public, or in case of there being no such officer within the county, city, or corporation where the proceedings are instituted, before any justice of the peace or alderman consenting to act in the premises, and adduce proof, oral or written, of the fact of such ownership and abduction or harboring. If the owner of such slave or slaves is laboring under the legal disability of infancy, insanity, or coverture, the evidence tending to establish such ownership and abduction or harboring may be adduced by the proper legal representative of the owner. In all cases such owner, attorney, or representative shall make affidavit of the loss. Such affidavit shall not be taken as evidence of the fact of loss unless it shall appear to the satisfaction of the officer taking the same that no other and better evidence can be obtained, which fact shall distinctly appear in the certificate of such officer; and it shall be the duty of the judicial officer taking cognizance of the case to reduce to writing the oral evidence, and to retain the written evidence in support of the alleged ownership and loss, and within thirty days after the hearing to transmit the same to the Secretary of State of the Confederate States, to be filed and preserved among the archives of the State Department, accompanied by a certificate from the said judicial officer authenticating the report so made by him. And the said judicial officer shall also state in his certificate of authentication whether, in his opinion, the evidence so heard and transmitted is or is not entitled to credit. It shall be the duty of the Secretary of State to receive and file in his Department the report so transmitted, and to furnish to the owners, attorney, or representative a duly certified copy thereof, whenever the same shall be demanded.

SEC. 2. *And be it further enacted*, That whenever any property other than slaves, real or personal, belonging to any citizen of the Confederate States, or any inhabitant thereof, shall be seized, wasted, or destroyed by the enemy during the existing war, or by any person or persons acting under the authority or color of authority of the United States Government, or engaged in the military or naval service thereof, the mode of taking and preserving proof thereof shall conform in all respects to that prescribed in the above section, and have like effect.

SEC. 3. *And be it further enacted*, That the provisions of this act shall not be construed as implying that the Confederate States are in any way liable to make compensation for any of the property to which it refers.

Approved August 30, 1861.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 30, 1861.

JOHN FRASER & CO.,
Charleston, S. C.:

GENTLEMEN: I have made an additional requisition in your favor for $248,333.33, which you will please remit without delay through the usual channel to Maj. E. C. Anderson and Capt. Caleb Huse, the agents of this Government at London, accompanied by the inclosed letter.

Very respectfully,

L. P. WALKER,
Secretary of War.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 30, 1861.

Maj. EDWARD C. ANDERSON and
Capt. CALEB HUSE,
London:

GENTLEMEN: On the 17th day of August a remittance through the usual channel was made to you by this Department in the sum of $248,333.33, for the purposes of your mission. Since then a letter from Captain Huse, dated Paris, July 22, 1861, addressed to Major Gorgas has been received, and I now remit to you an additional sum of $248,333.33, so that your operations may be enlarged and prosecuted with vigor. This Department wishes you to consider your original instructions as no longer binding in their strict sense, but empowers you to construe them liberally in the line of the objects to be attained. To meet the large forces our enemy is endeavoring to hurl against us we must have additional arms before supplies can be obtained from our own factories, just going into operation. If you cannot do better, you had better procure and forward without delay the flint muskets mentioned by Captain Huse, with flints and ammunition for the same. Operate with a free and sure hand to meet our pressing needs, and ship safely, and consider your credit extended to the full of this demand. It is useless to say more, this Department having already explained to you its existing necessities and placing implicit confidence in your fidelity and zeal.

Very respectfully,

L. P. WALKER,
Secretary of War.

AN ACT to authorize the appointment from civil life of persons to the staffs of generals.

The Congress of the Confederate States of America do enact, That the President may, in his discretion, upon the application and recommendation of a general of the Confederate States Army, appoint from civil life persons to the staff authorized by law of such officer, who shall have the same rank and pay as if appointed from the Army of the Confederate States.

Approved August 31, 1861.

AN ACT providing for the appointment of adjutants of regiments and legions, of the grade of subaltern, in addition to the subalterns attached to companies.

The Congress of the Confederate States of America do enact, That the adjutants of regiments and legions may be appointed by the

President upon the recommendation of the colonel thereof, of the grade of subaltern, in addition to the subaltern officers attached to companies, and said adjutants, when so appointed, shall have the same rank, pay, and allowances as are provided by law to adjutants of regiments.

Approved August 31, 1861.

AN ACT providing for the reception and forwarding of articles sent to the Army by private contribution.

The Congress of the Confederate States of America do enact, That the Secretary of War be authorized and required to make all necessary arrangements for the reception and forwarding of clothes, shoes, blankets, and other articles of necessity that may be sent to the Army by private contribution.

Approved August 31, 1861.

AN ACT to allow rations to chaplains in the Army.

The Congress of the Confederate States of America do enact, That chaplains in the Army be, and they are hereby, allowed the same rations as privates.

Approved August 31, 1861.

AN ACT to reimburse the State of Florida.

Whereas, the State of Florida has made large outlays of money in the arming, equipping, and maintaining troops for the service of the Confederate States and in the construction of sea-coast defenses, whereby the State of Florida has exhausted her treasury and has great need of money to carry on her military operations: Therefore,

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury is hereby directed to issue to the State of Florida, upon the application of the Governor of said State, $300,000 in Treasury notes: *Provided*, That the said State deposit with the Secretary of the Treasury of the Confederate States an equal sum in the bonds of the State of Florida, authorized to be issued under an ordinance of the convention of said State, which bonds shall be held by the Secretary of the Treasury until the account of the State of Florida, for advances made for military purposes, is adjusted as Congress may direct.

Approved August 31, 1861.

A RESOLUTION in relation to drill-masters appointed by States.

Whereas, under the authority of some of the States drill-masters were attached to various regiments; and

Whereas, such officers are not recognized by the laws of the Confederate States, and consequently were not mustered into service; and

Whereas, several of such drill-masters have nevertheless continued to do effective service, voluntarily, with their respective regiments: Therefore,

Resolved, That such drill-masters be granted an honorable discharge whenever they shall apply therefor.

Approved August 31, 1861.

RESOLUTIONS to provide troops in the field with bread and fresh provisions.

Resolved by the Congress of the Confederate States of America, That the Secretary of War be, and he is hereby, directed to furnish to such of our troops in the field as desire it, upon requisition made and whenever practicable, in lieu of the usual ration of flour, an equivalent of well-baked bread; to this end he is authorized to establish bakeries, in such numbers and at such points as may be necessary, or to make contracts for the supply of such bread.

Resolved, That a daily ration of fresh vegetables be furnish[ed] to all troops whenever the same can be provided at reasonable cost and charges to the Government.

Approved August 31, 1861.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 31, 1861.

HENRY HOTZE, Esq.,
Mobile, Ala.:

SIR: You are hereby authorized by this Department to proceed to Europe and place yourself in communication with our agents in Great Britain and France, sent to purchase arms and munitions of war. You will bear with you the dispatches with which you are charged, and impress upon our agents the absolute necessity existing for an immediate supply of arms and munitions of war. The best that are to be had must be procured and transmitted by the routes deemed the least hazardous and most expeditious within the scope of probable safety. We have thousands of good and true men prepared for the field in camps of instruction yet without arms. We could bring into the field and maintain there with ease 500,000 men were arms and munitions sufficiently abundant. The battles fought have demonstrated the vast superiority of our soldiers and generals, and leave no room to doubt that with equal arms the North can be conquered easier than the South can be subjugated. Our armies could now be hovering over the Susquehanna as readily as they are resting on the Potomac were it not for the necessity of husbanding our resources in respect to arms and ammunition whilst awaiting the expected supplies from Europe. If the enemy have purchased flint muskets, we can afford to meet them with similar weapons. It is true the improved gun is always to be preferred, but the flint-lock musket with sound and true bands is far better than empty hands. The instructions originally given to our agents, it will be seen, have been much enlarged, while heavy remittances have been made to them from time to time for the purpose of accelerating the accomplishment of the objects of their mission.

Requisitions in the sums of $50,500, $24,888.89, $333,333.33, $248,333.33, and $250,000, amounting in all to $907,055.54, have been drawn in their favor and transmitted through Samuel Smith, of New Orleans, and John Fraser & Co. and Cheeseborough, of Charleston. It is hoped that these several remittances reached their intended destination, but up to the present time this Department has received no certain information as to the fact, and it is earnestly desired that you will lose no time in placing yourself en route, selecting the line of passage your judgment most approves. And may God speed you

and crown you with success, thus assuring victory to our standard and independence to our people.

I have the honor to be, very respectfully,

L. P. WALKER,
Secretary of War.

EXECUTIVE DEPARTMENT,
Atlanta, Ga., August 31, 1861.

Hon. L. P. WALKER,
Secretary of War, Richmond, Va.:

SIR: Your letter, dated the 7th instant, addressed to Governor Brown, at Milledgeville, was received here some days ago, and while the Governor was absent on public business. His Excellency now directs me to state that, while doubtful of his ability to procure any large quantity of the clothing needed for the soldiers during the coming winter, he will nevertheless do all in his power to carry out the views of your Department relative thereto, and will at once give the directions to the quartermaster-general's department of this State suggested in your letter.

Respectfully, your obedient servant,

H. H. WATERS,
Secretary Executive Department.

[SEPTEMBER 1, 1861.—For Pickens to Walker, reporting number of troops organized in South Carolina, their disposition, &c., see Series I, Vol. VI, p. 268.]

BY THE PRESIDENT OF THE CONFEDERATE STATES OF AMERICA:

A PROCLAMATION.

Whereas, through accident a bill to authorize the President to continue the appointments made by him in the military and naval service during the recess of Congress or the present session, and to submit them to Congress at its next session, failed to be delivered to the President for his signature prior to the adjournment of Congress; and

Whereas, the failure of said bill to become a law would cause serious inconvenience to the public service:

Now, therefore, I, Jefferson Davis, President of the Confederate States, do issue this my proclamation, convoking the Congress of the Confederate States for the transaction of business, at the Capitol, in the city of Richmond, on the 3d day of September, at 12 o'clock noon of that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the Confederate States, at Richmond, this 2d day of September, A. D. 1861.

[SEAL.] JEFFERSON DAVIS.

By the President:

R. M. T. HUNTER,
Secretary of State.

[SEPTEMBER 2, 1861.—For Pickens to Walker, in relation to organization of troops in South Carolina, see Series I, Vol. VI, pp. 271, 272.]

AN ACT to authorize the President to continue the appointments made by him in the military and naval service during the recesses of Congress, or the last or present session, and to submit them to Congress at its next session.

The Congress of the Confederate States of America do enact, That the President be authorized to continue the appointments made by him in the military and naval service during the recesses of Congress, or during the last or present session, and to submit them to Congress at the commencement of its next session.

Approved September 3, 1861.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., September 3, 1861.

Hon. L. P. WALKER,
Secretary of War, Richmond:

SIR: Some days since the resignations of the commissioned officers of the "Montgomery True Blues" Company —, Third Regiment of Alabama Volunteers, were forwarded me through Colonel Lomax, commanding the regiment, and by his recommendation were accepted by me, and orders given to supply the vacancies by election. Under the rule which has prevailed the commissions of officers of any military organization received into the Confederate service under the act of 6th of March last "to provide for the public defense" are issued under, and the vacancies filled by, the State authority; and presuming that the same authority which granted the commission and supplied the vacancy should properly accept the resignation, I acted in conformity with that view. I have been informed, however, that the rule of the Department is that in such cases the resignation of the commission derived from the State must be tendered to, and acted upon, by the Confederate authority, and if accepted by that Government it then devolves upon the State to supply the vacancy.

The object of the present communication is to obtain information as to the rule of your Department upon this question. If it devolves upon the one government to accept the resignations and the other to fill the vacancies of course it will be necessary that the State authority should be officially notified of the vacancy in each case.

Very respectfully, your obedient servant,

A. B. MOORE.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 4, 1861.

Hons. W. PORCHER MILES, J. D. C. ATKINS,
W. B. PRESTON, T. N. WAUL, and A. W. VENABLE,
Committee of Congress:

GENTLEMEN: I have the honor to acknowledge the receipt of a copy of the resolution of Congress whereby you were appointed a committee "to inquire into the organization and administration of the Medical, Commissary, and Quartermaster's Departments, with power to continue said inquiry during the recess, and to report at the next session of Congress what changes in the laws and regulations relating thereto are necessary and proper." The Department cheerfully concurs in the objects of your committee, and will be happy to afford

you all possible facilities within its authority for the prosecution of your inquiries. To this end all generals and other officers commanding Confederate forces are hereby requested to allow you full and free passage into and within our lines and encampments, &c., and are furthermore requested to furnish you with all needful information or other possible facilities in aid of your investigations. The Quartermaster's Department is directed to furnish you with free transportation tickets to and from all the points visited by you in the discharge of your commission, and all the officers of the several departments to which your investigations are directed are instructed especially to furnish you with all information with regard to the condition, regulations, &c., of their several departments which may be deemed necessary by you for the successful prosecution of your investigations.

Very respectfully,

L. P. WALKER,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 4, 1861.

Hon. C. G. MEMMINGER,
Secretary of the Treasury:

SIR: In pursuance of the act of Congress approved August 21, 1861, whereby it is ordered that the appropriations of $57,000,000 for the expenses of the war, &c., for the year ending February 18, 1862, "shall be distributed among the several objects of appropriation therein specified in such proportions as shall be determined by the Secretary of War, with the approval of the President," I have the honor to submit the following schedule:

For Quartermaster-General's Department	$39,500,000
For Commissary-General's Department	12,000,000
For Surgeon-General's Department	1,000,000
For Ordnance Department	3,500,000
For Engineer Department	1,000,000
Total	57,000,000

Very respectfully,

L. P. WALKER,
Secretary of War.

[SEPTEMBER 4, 1861.—For Rector to Walker, in relation to organization of troops in Arkansas, see Series I, Vol. III, p. 695.]

[SEPTEMBER 5, 1861.—For Walker to Rector, in relation to organization of troops in Arkansas, see Series I, Vol. III, p. 697.]

[SEPTEMBER 6, 1861.—For Hardee to Hindman, authorizing the organization of troops in Arkansas, see Series I, Vol. LIII, p. 736.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, September 6, 1861.

Hon. E. LOUIS LOWE,
Richmond:

SIR: I have the honor to inclose herewith appointments of captains for the several officers named in your communication of the 3d instant, and for the object contemplated by the act of 30th of August, to authorize the establishment of recruiting stations for volunteers from the States of Kentucky, Missouri, Maryland, and Delaware. In so far as relates to the State of Maryland, as the act does not authorize the appointment of the grade of lieutenants in advance of the organization of companies yet to be raised, the appointment of the officers of that grade as recommended by you cannot now be made, but this case will receive due consideration at the proper time. Two points have been suggested for assembling the recruits after they shall pass beyond the State of Maryland, viz, one at or near Fredericksburg, for such as may cross the Potomac at or near Mathias Point, and the other at Winchester, for those who may approach by the Upper Potomac. The commanding officers at these points will be instructed to make suitable arrangements at each to carry out the provisions of the law in respect to clothing and rations to the recruits until they shall be duly organized into companies. Other places of assembly may hereafter suggest themselves according to circumstances and the success which may attend the recruiting.

I am, sir, respectfully, &c.,

S. COOPER,
Adjutant and Inspector General.

[SEPTEMBER 8 and 9, 1861.—For correspondence between Walker and Brown, in relation to troops for defense of the Georgia coast, see Series I, Vol. VI, p. 274.]

RICHMOND, VA., *September 9, 1861.*

Hon. L. P. WALKER,
Secretary of War:

MY DEAR SIR: When in connection with the manifestation by the Congress of a want of confidence in the administration of affairs of the War Department I asked you if you would like to go to Europe, you expressed so decided a purpose to retire from this Cabinet, but so positive a reluctance to the proposed change of service, that it is considered needless to recur to that proposition. I write now to inquire whether there is any other position to which I could assign you that would be entirely acceptable. The personal regard I feel for you, and my desire to promote your welfare and happiness, is, I hope, too well appreciated by you to permit a misconstruction of this offer. To sever the relation which has so closely united us is so repugnant to my sentiment that only the conviction of a public necessity, which I have unsuccessfully striven to avert, could have reconciled me to the separation.

Very respectfully and truly, yours,

JEFF'N DAVIS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 9, 1861.

Col. A. C. MYERS,
Quartermaster-General:

SIR: An act was passed by the Confederate Congress at its last session providing that the Secretary of War be authorized and required to make all necessary arrangements for the reception and forwarding of clothes, shoes, blankets, and other articles of necessity that may be sent to the Army by private contribution. Your attention is hereby specially invited to this law, with the request that you furnish the Department with such suggestions in regard to the arrangements referred to as will enable you to carry into effect the wishes and design of Congress.

Very respectfully,

L. P. WALKER,
Secretary of War.

EXECUTIVE DEPARTMENT,
September 9, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I regret to be under the necessity of troubling you with this communication, but duty to those who have been in the service from the commencement of the war to the present time imperatively demands it. There may be good reasons for the course that has been adopted, and my object is to ascertain what those reasons are. First, in our State military organization, before the convention with the Confederate Government was ratified by Congress, surgeons and assistant surgeons were appointed for the regiments then formed. These appointments were made in the following manner, viz: Doctor Gibson, whom I had appointed surgeon-general for the State, being much more familiar with the qualifications of the medical men, was required to furnish the names of the most competent that could be found. The list thus presented by Dr. Gibson was by me laid before the council, and in almost every instance the nominations were unanimously confirmed. These officers, thus appointed, and representing the best medical talent in our State, have been continuously in service from the time of their selection to the present day, and I have yet to hear the first complaint of incompetency, unfaithfulness, or inattention on their part. They were paid by the State up to the 1st of July last. Several of them, who are even now in service, have recently applied for their pay, when, to their surprise, they have been informed that they were not recognized by the Confederate Government, and compensation for their services since the 1st of July has been denied them. These matters have been brought to my attention recently. The control of the Confederate Government over this class of officers has been admitted by me since the transfer by my proclamation dated June 6, 1861. In reference to the classes of officers referred to in this communication I used the following language:

> I do further order that all officers of the Virginia service now on duty in any of the departments of the staff continue to discharge their respective functions under the direction and control of the President until otherwise ordered.

When the Virginia regiments, organized anterior to the issue of this proclamation, were turned over to the Confederate authorities, I supposed the organization would be respected, unless there should exist

some reason for dismissing the officers attached to this branch of the service. The number of officers prescribed by law were assigned to each regiment, and if from any cause their services were dispensed with I surely had a right to expect, and they had an equal right to expect, that they would have received notification and would have been regularly discharged. But instead of this they have been allowed to remain in the performance of their duties for nearly three months, and it is not until they ask for their pay that they are given to understand that they have not been in the service of the Confederate Government.

There are reasons why I, as the Executive of the State, feeling the deepest interest in the preservation of the health and the promotion of the comfort of the Virginia Volunteers, should desire that our soldiers should be attended by medical men selected from our midst. Our physicians are familiar with the diseases that prevail in our State, and their experience enables them to apply the proper remedies. They know what diseases are most prevalent in this climate, and knowing the approved mode of treatment they are the better prepared to give relief. It is utterly impossible for physicians who have never practiced their profession here to know enough of the diseases and mode of treatment to apply promptly and judiciously the proper remedies. Such physicians when they come here must learn, and while learning their patients are dropping one by one into the grave. I am not to be understood as disparaging or underrating the intellect or the acquirements of those to whom I refer in these remarks. I doubt not they are equal in these respects to the medical men of any other portion of the country, but in this, as in all other professions, it is "practice alone that makes perfect."

The same course, I am informed, has been pursued toward the quartermasters and commissaries. You will observe from the terms of the proclamation that these officers were to "continue to discharge their respective functions under the direction and control of the President until otherwise ordered." They have continued to discharge them, are discharging them now, and no orders dispensing with their services have been issued to them. I understand their requisitions for medical supplies have been duly honored, as I am informed, since the transfer of the 6th of June last. If they are not needed, and are to receive no compensation for their services if they remain, then I beg leave respectfully to suggest that an order discharging them should be issued by your Department.

I am, truly,

JOHN LETCHER.

RICHMOND, VA., *September 10, 1861.*

The PRESIDENT:

SIR: For reasons unofficially communicated I most respectfully tender to you my resignation as Secretary of War, to take effect on the 16th instant. In doing so I beg to assure you not only of my undiminished personal regard, but increased confidence in your abilities as a statesman. As the first Chief Magistrate of the Confederate States, your position has been one of great trial and enduring fortitude, and I have been a daily witness of the singular power by which you have brought order out of chaos and placed your Administration on the solid basis of acknowledged success and the popular heart. May the

Almighty Ruler, whose providence has so signally blessed our cause, cover you with the hollow of His hand and preserve your life for the sake of the country.

Very respectfully, your obedient servant,

L. P. WALKER.

RICHMOND, VA., *September 10, 1861.*

The PRESIDENT:

MY DEAR SIR: Your note of yesterday's date was only received to-night. I think that I properly appreciate the spirit in which it was written, as I certainly do the expressions of your personal regard. In withdrawing from your Cabinet I can, I feel assured, without any impeachment of my motives, say to you in writing what I have often said of you, that you were the only man I had ever met whose greatness grew upon me the nearer I approached him, and whose rare fidelity to principle often wounded when he most preferred to oblige. This is a great compliment, I admit, but now that we are about to part I choose to say it.

You ask me if there is any position to which you could assign me which would be entirely acceptable to me. I will not conceal from you my intention to become a candidate for the Senate in the event Clay does not desire it, and I understand from his brother that he does not. My belief is that I shall be easily elected. There will be, however, no doubt much criticism on my resignation, and some position meanwhile would be agreeable to me. I informed you the other day that I did not wish to go to Europe, and therefore a military position is the only one to which I could be assigned. Am I passing without the limits of your generous offer in asking to be put in command of the defenses of Mobile? I know I have energy, and I believe that my appointment would soon be entirely acceptable to that people.

I am, dear sir, very truly, your friend,

L. P. WALKER.

[SEPTEMBER 10, 1861.—For Walker to Pickens, in relation to organization of troops in South Carolina, see Series I, Vol. VI, p. 275.]

[SEPTEMBER 10, 1861.—For Cooper to A. S. Johnston, authorizing the reception of troops from Missouri and Kentucky, see Series I, Vol. IV, p. 405.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 11, 1861.

Lieut. Col. A. C. MYERS,
Acting Quartermaster-General:

SIR: Many articles intended for the health and comfort of our soldiers are hourly arriving in the city of Richmond. These articles consist for the most part of clothing. Arrangements should be made at once for their transportation to their proper destination, to be paid by this Department, and you are hereby ordered to perfect that arrangement at the earliest practicable moment, and issue your orders accordingly, so that no further delay in the reception of the articles mentioned

shall be experienced on the part of those for whom they are intended, and that no delay hereafter shall occur in the transportation of similar articles arriving in Richmond, if possible to be avoided.

Respectfully,

L. P. WALKER,
Secretary of War.

RALEIGH, *September 11, 1861.*

L. P. WALKER,
Secretary of War:

A resolution of our Legislature now in session directs me to inquire of you what provision has been made for the clothing of our troops, and if our State can assist by receiving the commutation and providing clothes, or any other way. I write by telegraph because an answer is needed soon. The Legislature will adjourn on Monday next.

HENRY T. CLARK.

RICHMOND, *September 11, 1861.*

Governor HENRY T. CLARK,
Raleigh, N. C.:

The Department is making every effort possible to clothe the troops. I have also solicited the aid of the Governors of the different States, and any clothing transferred by the States to the Confederate Government would of course be paid for.

L. P. WALKER.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 11, 1861.

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: Your Excellency's communication of the 9th instant has been duly considered, and it is not at all surprising you should evince so deep an interest in the appointments made by you in the service of Virginia and affected by the transfer executed by the authorities of that State to the Confederate States; but you will pardon me for saying that the action of this Department in relation to these appointments has not been precisely that understood by you. So far as it has been possible to do, the State appointments of staff officers have been regarded and confirmed. In the exercise of the authority with which this Department is invested by law over the staff of the Army, it has generally deferred to the wishes of the regiment to be especially affected by an appointment, when expressed, unless strong objections to the appointment were known to exist. This rule has been acted upon, not only with regard to surgeons, but also in the case of quartermasters and commissaries. Whenever either of these classes of officers, commissioned by Your Excellency, have been reported acceptable to the regiments concerned, they have been confirmed in their commissions, and this rule will continue to be the policy of this Department until no additional staff appointments are needed for the service.

Many of the regiments are slow in sending forward their recommendations, and this fact, in all probability, will serve to explain the

reason why some of the State appointees have been refused pay. They could not be paid, of course, unless in the service of the Confederate Government, evidenced by its commission. It is true those commissioned by the Confederate Government, under the sanction of that commission, would be paid for services rendered while holding the State commission, as the first would carry with it a recognition of the last. So far as is remembered nearly the whole number of surgeons, quartermasters, and commissaries made by Your Excellency proved so unexceptionable that they were accepted and confirmed in their commissions; only a very few of them were rejected, for special and sufficient reasons. Your Excellency may rest assured that this Department has every disposition so to shape its action as to harmonize, if possible, most cordially with that of the State authorities of Virginia; and if Your Excellency has suffered any different idea to prevail in respect to this business it is deeply to be regretted.

I have the honor to remain, with high regard, your obedient servant,

L. P. WALKER,
Secretary of War.

HEADQUARTERS,
Manassas, September 12, 1861.

[President JEFFERSON DAVIS:]

SIR: I have had the honor to receive through the War Department a copy of the proceedings of Congress on the 31st of August, 1861, confirming the nominations made by the President of the Confederate States of five generals of the Confederate Army, and fixing their relative rank. I will not affect to disguise the surprise and mortification produced in my mind by the action taken in this matter by the President and by Congress. I beg to state further, with the most profound respect for both branches of the Government, that I am deeply impressed with the conviction that these proceedings are in violation of my rights as an officer, of the plighted faith of the Confederacy, and of the Constitution and laws of the land. Such being my views, lest my silence should be deemed significant of acquiescence, it is a duty as well as a right on my part at once to enter my earnest protest against the wrong which I conceive has been done me. I now and here declare my claim, that notwithstanding these nominations by the President and their confirmation by Congress, I still rightfully hold the rank of first general in the Armies of the Southern Confederacy. I will proceed briefly to state the grounds upon which I rest this claim. The act of the Confederate Congress of the 6th day of March, 1861, section 8, amended by that of March 14, 1861, section 2, creates the grade of brigadier-general as the highest rank in their service, and provides that there shall be five officers of that grade. The fifth section of the last-named act enacts—

> That in all cases of officers who have resigned, or who may within six months tender their resignations from the Army of the United States, and who have been or may be appointed to original vacancies in the Army of the Confederate States, the commission issued shall bear one and the same date, so that the relative rank of officers of each grade shall be determined by their former commissions in the U. S. Army, held anterior to the secession of these Confederate States from the United States.

Under these laws, about the 13th of May, 1861, R. E. Lee and myself were nominated as brigadier-generals in the C. S. Army. Samuel

Cooper had been nominated to the same grade and confirmed a few weeks previously. The nominations of myself and R. E. Lee were confirmed by Congress promptly. Each of the three had resigned his commission in the U. S. Army in accordance with the terms of the law. The other two had resigned colonelcies, but the commission which I had resigned was that of a brigadier-general. It is plain, then, that under these laws I was the officer first in rank in the Confederate Army. Two or three days after, on the 16th of May, Congress, by the second section of its act of that date, enacted—

> That the five general officers provided by existing laws for the Confederate States shall have the rank and denomination of "general" instead of "brigadier-general," which shall be the highest military grade known to the Confederate States. They shall be assigned to such commands and duties as the President may specially direct, and shall be entitled to the same pay, &c.

I conceive, and I submit it to the careful consideration of the Government, that this section of the act last cited operated in two ways. First. It abolished the grade of brigadier-general in the Confederate Army. Second. It at once by the mere force of the law raised the three officers already named to the rank and denomination of "general" in the Army of the Confederate States. The right, therefore, which I claim to my rank is founded on this act. Congress by its act, the President by his approval of it, at once made us generals. It is clear that such was likewise the construction of both branches of the Government. Else why were not nominations made then? It was a time of flagrant war. Either we were generals, or the Army and the country were left without such officers. Our former grade had been abolished. We were not brigadier-generals. If not generals, we were nothing, and could perform no military duties, exercise no command. I think it clear that I was a general by the plain terms of the law. It is plain from the action of the President and Congress that such was their construction, as I was at once ordered to Harper's Ferry to take the command in the Valley of Virginia, and the President soon after placed three brigadier-generals under my orders. I remained two months in the Valley, too earnestly engaged in the public service to busy myself with my own personal interests. But when the emergencies of the campaign required me to march to Manassas, and to act with another general, I appreciated the importance and the indispensable necessity of not leaving the question of rank open between us. With this view I transmitted a telegraphic dispatch to the President on the 20th of July, inquiring in the simplest and most direct terms what my rank was. He replied that I was a general.* The battle of Manassas Plains ensued on the next day. The President came in person to participate in it, but reached the scene of action soon after the close of the struggle. The morning after the battle he announced his purpose to elevate General Beauregard to the rank of general. He returned to Richmond on the ensuing day. The nomination was made immediately on his return, and was promptly confirmed by Congress. General Beauregard then became a general, and ranked me unless I was such by virtue of the act of Congress on the 16th of May already referred to. Yet from the time of General Beauregard's appointment to the day of the renewed nomination I continued to act as the commanding general of the Army of the Potomac under the authority of the President and of the Department of War. Thus it appears that I have the sanction of the President to my claim of rank under the

*See Series I, Vol. II, p. 985.

act of Congress. In addition to this, my rank was expressly recognized by Congress also, in the resolutions adopted by that body returning the thanks of Congress to General Johnston, to General Beauregard, and to the officers of the Army for the victory of Manassas.* Thus matters stood when the recent nominations were made. But one additional name was offered, that of A. S. Johnston. His commission in the Army of the United States had been that of colonel. I, as resigning the higher rank in that Army, was, by the provisions of the act of Congress of the 14th of March, 1861, and the plighted faith of the Government of the Confederate States, the general first in rank in their armies. By that act and that of May 16, 1861, the rank would stand thus: J. E. Johnston, S. Cooper, A. S. Johnston, R. E. Lee, G. T. Beauregard. I held and I claim to hold my rank as general under the act of May 16, 1861. I was a general thenceforth or never. I had the full authority of the constitutional Government of the Confederate States to sustain me. Heretofore those who disputed my authority as general have done so because they denied the existence of the Government whose officer I claimed to be. Now that Government joins the hostile power in denying my authority. When I sent back the missives of the Government of the United States, because they ignored the Government which I served and acknowledged, I little thought that one of the acts of that Government would be to ignore me as its officer by trampling upon its own solemn legislative and executive action. I was a general from and after the 16th day of May, 1861. The nomination seeks to annul the irrevocable past, and to make me such only from the 4th day of July. The present and, so far as human legislation may operate, the future may be controlled by Congress.

Human power cannot affect the past. Congress may vacate my commission and reduce me to the ranks. It cannot make it true that I was not a general before the 4th day of July, 1861. The effect of the course pursued is this: It transfers me from the position of first in rank to that of fourth. The relative rank of the others amongst themselves is unaltered. It is plain, then, that this is a blow aimed at me only. It reduces my rank in the grade I hold. This has never been done heretofore in the regular service in America but by the sentence of a court-martial, as a punishment and a disgrace for some military offense. It seeks to tarnish my fair fame as a soldier and a man, earned by more than thirty years of laborious and perilous service. I had but this, the scars of many wounds, all honestly taken in my front and in the front of battle, and my father's Revolutionary sword. It was delivered to me from his venerated hand, without a stain of dishonor. Its blade is still unblemished as when it passed from his hand to mine. I drew it in this war, not for rank or fame, but to defend the sacred soil, the homes and hearths, the women and children; aye, and the men of my mother Virginia, my native South. It may hereafter be the sword of a general leading armies, or of a private volunteer, but while I live and have an arm to wield it it shall never be sheathed until the freedom, independence, and full rights of the South are achieved. When that is done it may well be a matter of small concern to the Government, to Congress, or to the country what my rank or lot may be. I shall be satisfied if my country stands among the powers of the world free, powerful, and victorious, and that I, a general, a lieutenant, or a volunteer soldier, have borne

*See Series I, Vol. LI, Part II, p. 215.

my part in the glorious strife and contributed to the final blessed consummation. What has the aspect of a studied indignity offered me? My noble associate in the battle has his preferment connected with the victory won by our common toils and dangers. His commission bears the date of the 21st of July, but care seems to be taken to exclude the idea that I had any part in winning our triumph. My commission is made to bear such a date that my once inferiors in the service of the United States and the Confederate States shall be above me; but it must not be dated as of the 21st of July, nor be suggestive of the victory of Manassas. I return to my first position. I repeat, my right to my rank as general is established by the act of Congress of the 14th of March, 1861, and the 16th of May, 1861, and not by the nomination and confirmation of the 31st of August, 1861. To deprive me of that rank it was necessary for Congress to repeal those laws. That could be done by express legislative act alone. It was not done, it could not be done by a mere vote in secret session upon a list of nominations. If the action against which I have protested be legal, it is not for me to question the expediency of degrading one who has served laboriously from the commencement of the war on this frontier and borne a prominent part in the only great event of that war, for the benefit of persons neither of whom has yet struck a blow for this Confederacy.

Your obedient servant,

J. E. JOHNSTON,
General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 12, 1861.

His Excellency A. B. MOORE,
Governor of Alabama:

SIR: It gives me great pleasure to acknowledge your communication of the 3d of September and to answer your inquiries. The proper construction of the act of March 6, 1861, to provide for the public defense, relating to the volunteer and militia service under Confederate authority, has necessarily exercised this Department to no limited extent, and in reaching my conclusions in regard to its different parts I have not at all times relied upon my own judgment, but have freely consulted with the Attorney-General of the Government.

First. With regard to the election of officers originally and the filling of vacancies among officers afterward in the volunteer and militia troops accepted and mustered into the Confederate service, the decision of this Department is that all such vacancies, whether original or occurring through death or resignation, after the troops have been mustered into service, must be filled by election—if a company officer, by the company; and if a field officer, by the battalion or regiment—and for the reason that whether said troops are called out for the mere purpose of State defense or for that of Confederate service, and though styled volunteers, they are but a part of the militia of the States, having the right, under the laws of all the States, to elect their officers, which laws are guaranteed by the Constitution of the Confederate Government. All such troops come to this Government through State intervention, whether volunteering or drafted under requisitions made by Confederate authority, and the laws of the States must obtain with regard to them in the respect mentioned. It is only

where troops volunteer their services direct to the Confederate authorities without State intervention that the rule under the decision mentioned becomes modified; and even in this case company officers are elected according to State law, leaving only field officers to be appointed by this Government. The line of demarkation is drawn in reference to the question as to whether the State intervenes or has not been recognized. The modification of the general principle on which this Department has acted grows out of the amendatory acts of Congress, passed during its second session, giving to the President the discretionary power of receiving volunteer tenders direct, without the intervention of State Executives.

Second. After volunteers have been mustered into service their officers should resign both to the Confederate and State authorities—to the first, because they have passed under its authority and receive its pay and are in its service; to the second, because the commissions of all volunteer officers belonging to corps tendered through State authorities emanate from the State Executives. It is necessary for the first to know the fact that an officer has resigned in order to accept the resignation, and the resignation must have been accepted before the State Executive can issue a commission to supply the vacancy. As the law stands it is required that information as to resignations should be imparted simultaneously to the State government and the Confederate Government. A vacancy existing, the election is called to fill it as the law of the particular State affected shall require, and the election is conducted and its returns made according to that law; but it is necessary that returns shall not only be made to the State authorities, but to the Confederate authorities, as the newly selected officer has to be paid by the Confederate Government, being in their service; and how could it be known to whom payment was to be made if the person was not designated to whom payment should be due?

This Department has recently endeavored to avoid all encroachments upon the rights and authority of the States in respect to the volunteers in its service, claiming to exercise over them no power other than that plainly imparted by the Constitution and the laws in obedience to that great charter.

I have the honor to remain, Your Excellency's obedient servant,

L. P. WALKER,
Secretary of War.

EXECUTIVE DEPARTMENT,
September 13, 1861.

Hon. L. P. WALKER,
Secretary of War:

SIR: I have the honor to acknowledge the receipt of your communication of the 11th instant, received last evening. I must protest against the position which you assign me. The surgeons and assistant surgeons, the quartermasters and commissaries, appointed prior to the transfer of the 6th of June last, were appointed under the requirements of the laws and ordinances of the State. Those laws and ordinances vested the power of appointment in the Executive. You inform me that "so far as possible to do the State appointments of staff officers have been regarded and confirmed." You then proceed to say that your Department "has generally deferred to the wishes of the regiment to be specially affected by an appointment, when expressed, unless strong objections to the appointment were

known to exist." How the wishes of the regiment are to be ascertained, whether by the representations of the field officers or by the votes of all constituting the regiment, I am at a loss to understand. If in the former mode, then we have the strange anomaly of the appointees of the Executive determining whether the appointees for staff appointments shall be confirmed or rejected. In other words, Executive appointments are to be reviewed by Executive appointees, who are constituted a court to hear, try, and determine whether Executive acts shall be confirmed. Such is the conclusion to which your language irresistibly leads. Again you say, "Many of the regiments are slow in sending forward their recommendations." Has an order issued from your Department notifying the regiments that recommendations of surgeons and assistant surgeons, chaplains, quartermasters, and commissaries were required of them? And if so, to what regiments was the order sent, and when was it sent? If no such order was sent it is not surprising that "the regiments are slow in sending forward their recommendations." "It is true, those commissioned by the Confederate Government, under the sanction of that commission, would be paid for services rendered while holding the State commission, as the first would carry with it a recognition of the last." This is right, but it stops short of the point of difficulty. There are many who have not yet been commissioned by the Confederate Government, and who have been and are still rendering service in the positions to which they have been legally assigned. Suppose it shall be decided ultimately that they are not to be commissioned, are they to receive no compensation for the time they have been in service since the 1st of July last? This would not be just, as the highest authority teaches that "the laborer is worthy of his hire." In the same connection you say, "So far as is remembered, nearly the whole number of surgeons, quartermasters, and commissaries made by Your Excellency proved so unexceptionable that they were accepted and confirmed in their commissions; only a very few of them were rejected, for special and sufficient reasons." The Department having stated that my appointments have "proved so unexceptionable," I cannot understand why you should await recommendations from the regiments before you confirm them. Those that have been suspended since the 6th of June could be confirmed without further delay. I have not a word to urge in behalf of those who have been rejected "for special and sufficient reasons." You have an undoubted right to determine what reasons are sufficient, and I have no disposition to interfere with your judgment or your acts in this matter so manifestly under your control and admitted in my proclamation to be so. I have nothing to offer in behalf of those who have been rejected by your Department. The interest I feel is for those who have neither been confirmed nor rejected, but have been continuously in service, are still in service, and will remain in service from patriotic considerations until discharged by a legal and proper order from your Department. I desire harmony—cordial harmony—and unity of action between the Confederate and State authorities. I think the record will demonstrate that I have on every occasion manifested a proper spirit, and have contributed freely and promptly all the means under my control to the common defense. In my action I have looked not only to Virginia, but to all the States who are united with us in the struggle in which we are now engaged. In the disposition of the arms, munitions of war, the machinery, and other property of the State which was under my control I have been generous in their use for

the advancement of the common cause. My future action will be in strict accordance with the principles which have influenced me heretofore.

I am, truly, JOHN LETCHER.

RICHMOND, VA., *September 14, 1861.*

General J. E. JOHNSTON:

SIR: I have just received and read your letter of the 12th instant. Its language is, as you say, unusual; its arguments and statements utterly one-sided, and its insinuations as unfounded as they are unbecoming.

I am, &c., JEFF'N DAVIS.

CLIFTON HOUSE, NIAGARA FALLS, CANADA SIDE,
September 14, 1861.

Mr. JOEL WHITE:
(Care of Guthrie & Co., Louisville, Ky.)

DEAR SIR: I have arrived safely, as you see, in Canada, after various annoyances, not, indeed, of the nature I apprehended, but scarcely less important, considering how valuable time is to me. Though I had a through ticket to Detroit, and the route on the map appears the most direct, I found that in leaving the great thoroughfare between East and West I had also left the route of close connections. You can imagine how it taxed my patience to wait in Indianapolis six hours for a train, and eight hours more in Peru, a wretched, straggling village in the same State; but this was by no means the worst. A few miles beyond Wabash some obstructions placed on the track threw us off, smashing engine and half a dozen cars and tearing up the rails for a distance of over thirty feet. The passengers were saved only by the fact that there were nearly twenty freight cars to bear the main brunt of this terrific catastrophe. What I most cared for was the further detention of fourteen hours. Arriving at last in Toledo (yesterday evening), I found that I would have to wait until next morning for a train to Detroit. Preferring the cars to an Ohio hotel, I changed my route, and without further accident arrived this morning at Buffalo, whence I immediately proceeded to this side, and here I am, tired, worried, and out of all patience, having lost all hope of getting to Quebec in time for the steamer which sails to-day. I am now writing in full view of the Falls, but am in no humor to enjoy them, for the loss of this whole week is a partial failure of the object of my journey. There is a Boston steamer touching at Halifax on Friday, but I do not think I would gain a single day by making the long circuit necessary to take it. Under the circumstances I have thought it needless to telegraph. You will, however, oblige me by communicating this letter to the person I named as being kind enough to take an interest in my movements. At the different places where I was compelled to stop, and necessarily more or less to mix with the people, the war was, of course, the exclusive topic. The unanimous opinion everywhere was that the Federal forces in each encounter had to meet heavy odds. Absolute confidence, amounting almost to indifference, seemed to be entertained in the ultimate success of the Union armies. It would be a misuse of words to call this feeling enthusiasm; it is rather an overweening self-conceit, or a stolid ignorance as to the

extent of the national danger. Upon the whole, the war has not touched the heart of the masses nearly as much as I had expected. I was particularly struck with the number of young men I saw lounging about the bar rooms, billiard saloons, or in front of groceries at such country places as I was compelled to stop at. The troops I saw at depots and in cars belonged apparently to the lowest walks of life. Where not foreigners, they seemed to be farm hands and helps. At every station on the way, and at every corner in cities and villages, huge placards held out inducements to recruits. The newspapers are filled with appeals and complaints at the slowness of volunteers to come forward. "We need 50,000 more men for McClellan and 150,000 more for Frémont" is the refrain of every war article. The national pulse must beat much quicker, if I am any judge, before these are forthcoming. Arrests are made everywhere in great numbers. While at Indianapolis I heard of seven being made the day before in the adjoining State of Illinois. I heard also a great deal of talk about "spies" and "agents of Jeff. Davis," &c., traveling through the country. On leaving Jeffersonville I had half an hour's talk about "de rebels" with a man who came in the omnibus with me from the Galt House at Louisville, and who seemed disposed to take the Southern side. That may have been his opinion, but I thought he was more intent upon sounding me than defending the rebels. The passenger traffic East and West is almost suspended. Until I reached Toledo there was scarcely ever more than one passenger-car, nor more than twelve or fifteen travelers, and no pretension to make schedule time. On the other hand, an immense freight going East. I counted nearly 200 freight-cars between Peru and Toledo, mostly of provisions for the Army.

Truly, your friend,

HENRY HOTZE.

(Received September 14, 1861.)

Hon. L. P. WALKER,
Secretary of War.

SIR: In accordance with the suggestion made by you in the interview which General Morton, Judge McGehee, and myself had with you on Saturday, I submit in writing the substance of the proposition laid before you. The Pensacola and Georgia Railroad Company, commencing at Quincy, within twenty miles of the Chattahoochee River, runs to Lake City, where it connects with another road running to Jacksonville, on the Saint John's. The Florida Railroad crosses the latter twenty miles from Jacksonville. It begins at Fernandina and runs to Cedar Keys. There is a branch road from the Pensacola and Georgia Railroad which leaves the latter at Tallahassee and runs to Saint Mark's. Thus the Pensacola and Georgia Railroad is a link in lines of communication by means of which troops and material of war may be transported to and from two points on the Atlantic to two points on the Gulf, and to a place within twenty miles of the Chattahoochee, navigable by large steamers from Columbus, Ga., to Apalachicola. There is now under contract a railroad branching from the Pensacola and Georgia Railroad and running to the Georgia line, where it unites with a road branching from Savannah, Albany and Gulf Railroad. When this extension of the Pensacola and Georgia Railroad is completed it will unite the whole system of Florida railroads with those of the other States of the Confederacy, thus enabling the Government to transport men and material of war from Rich-

mond to any point of Florida without breaking bulk. Without this connecting link to unite the Florida roads with that of Georgia, cannon and other heavy material will have to be unloaded from the Georgia cars and transported by wagons over roads almost impassable in winter. The Pensacola and Georgia Railroad has under contract and ready for track-laying the road from their main line to the boundary of Georgia, but the company has not yet purchased the iron for the road, and in the present state of trade it cannot obtain the means to make the purchase. The iron is for sale in Savannah for cash, and if the means to buy it could be obtained the road could be completed in about two months. The company proposes that the Government shall contract with them for the transportation of men and munitions of war, provisions, &c., at a fixed rate, and that an advance be made of the sum of $70,000 for the purchase of the iron and $15,000 for spikes and chairs upon such contract, with the agreement that if at the end of the war the amount of transportation paid by the company under the contract shall not equal the sum advanced the company repay the balance due the Government in settlement and give ample security for the performance of the contract, and that the amount advanced shall be applied to complete the unfinished road needed to perfect the connection with the Georgia road. Our road, when this connection of twenty-two miles to the Georgia line is completed, will embrace in its entire length, including branches, 176 miles of road in complete order, laid with heavy iron, well supplied with rolling-stock, and having the capacity for the transportation of freight and passengers equal to any road of its length in the Confederacy, the road and equipments being new. The distance from Savannah to No. 12 Station, on the Savannah, Albany and Gulf Railroad, is 130½ miles; from Station 12 to Pensacola and Georgia Railroad, 47 miles; from Pensacola and Georgia Railroad, at point of connection, to Quincy, 20 miles; from Chattahoochee River, 106 miles; from Pensacola and Georgia Railroad to Saint Mark's, 104 miles; from Pensacola and Georgia Railroad to Jacksonville, 78 miles; from Pensacola and Georgia Railroad to Fernandina, 105 miles; from Pensacola and Georgia Railroad to Cedar Keys, 161 miles. A map* is submitted with this communication upon which the roads are laid down for reference.

All of which is respectfully submitted.

PENSACOLA AND GEORGIA R. R. CO.,
By E. HOUSTOUN,
President.

RICHMOND, VA., *September 15, 1861.*

Hon. L. P. WALKER,
Secretary of War:

SIR: Your letter of the 10th instant, tendering your resignation of the office of Secretary of War and fixing the 16th as the date on which you wished to retire, was duly received. Our long and close connection during the most trying period (that of the establishment of the Government of the Confederacy and contemporaneously the defense of its territory against invasion) has created relations personal and official which it is painful to sunder. In accepting the tender of your resignation permit me to offer my sincere wish for your future welfare and happiness, and the assurance that the confidence you have won by untiring zeal in an office of extreme labor will attend you in your

* Not found.

future career, which I can but expect will be honorable to you and useful to the country. I am not surprised, connected as you have been with the details of Army affairs, and knowing as you do the trials to which that Army is probably yet to be exposed, that you should desire at this time to connect yourself more actively with our military operations, and it will give me pleasure to confer upon you the rank of brigadier-general and to assign you to the command of Alabama troops.

Very respectfully and truly, your friend,

JEFF'N DAVIS.

RICHMOND, VA., *September 17, 1861.*

The Hon. J. P. Benjamin, Attorney-General of the Confederate States, is hereby appointed Acting Secretary of War, and is charged with all the powers and functions appertaining to the head of the War Department.

JEFF'N DAVIS.

GRIFFIN, *September 18, 1861.*

President DAVIS,
Richmond:

The four regiments in the two camps of instruction are without arms. Please order a supply to them at once from the cargo just landed in Savannah, and order some rifled cannon for defense of Savannah and Brunswick. Impossible to arm the regiments here. Hope you will not fail to supply them, as the guns have been landed in the State, and they have been mustered into the service of the Confederacy without arms. Please reply to Atlanta.

JOS. E. BROWN.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Charleston, S. C., September 18, 1861.

Hon. J. P. BENJAMIN,
Acting Secretary of War:

SIR: I avail myself of Captain Hanckel's kindness to write you in relation to the cargo of steamer Bermuda, lately arrived in the port of Savannah, Ga. I directed Messrs. John Fraser & Co. to send you a complete manifest. You will see that there are some 3,000 Enfield and German rifles. I wish to secure these arms for the regiments accepted from this State for the war. We have at this time nine regiments in Virginia armed and equipped from the stores of the State, and find ourselves wanting in proper arms for the four regiments for the war now in camps of instruction. I would be pleased to exchange, by permitting the present efficient arms in the hands of our regiments now in Virginia to remain in possession of the Confederate Government after the term of service of those regiments have expired, in place of those to be turned over from the cargo of the steamer. Should I get your consent, I will direct our secretary of the treasury to make necessary arrangements in liquidation of the State claims against the Confederacy. The Governor being absent, I am temporarily in charge of State matters.

Very respectfully, your obedient servant,

S. R. GIST,
Adjutant and Inspector General of South Carolina.

RICHMOND, VA., *September 20, 1861.*

Governor JOSEPH E. BROWN,
Griffin, Ga.:

The arms on the steamer Bermuda belong chiefly to private owners, and we are endeavoring to secure as many of them as possible. We are compelled first to arm regiments now here awaiting arms. Will do the best we can for you.

J. P. BENJAMIN,
Acting Secretary of War.

[SEPTEMBER 20, 1861.—For Moore to Davis, in relation to organizing the militia of Louisiana, see Series I, Vol. VI, p. 740.]

RICHMOND, VA., *September 21, 1861.*

Col. HOWELL COBB,
Provisional Army, C. S.:

SIR: On the 18th instant I received an unofficial copy of a resolution of the Congress, which requested me "to cause to be prepared a stand of colors and a sword, to be furnished and paid for out of the fund placed at the disposal of the President by the contribution of the members of this body, to be presented to Col. Howell Cobb, as a testimonial of the high esteem in which his patriotic services are held by the members of the Confederate Congress." The stand of colors has been prepared and will be delivered to you by my aide-de-camp, Colonel Davis, and you will accept assurance of the confidence I feel that this flag, intrusted to you as the commander of a regiment of Georgians, will be gallantly borne wherever our country's need may claim it, and be sustained with such heroism and patriotic devotion as shall further illustrate the proud history of Georgia. The balance of the fund, which has been handed to me by the Hon. C. J. McRae, will be applied to the procurement of a sword, which will be transmitted to you as soon as obtained. Had the request of the Congress been more promptly communicated it would have received earlier attention.

Very respectfully, &c., JEFF'N DAVIS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 21, 1861.

General S. R. GIST,
Charleston, S. C.:

SIR: I am directed by the Secretary of War to say, in reply to your letter of the 18th instant, that he regrets it is impossible to comply with your request. The arms are required for regiments in camp here, which are needed for immediate active service

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

[SEPTEMBER 21, 1861.—For A. S. Johnston to Harris, calling for 30,000 men from Tennessee, see Series I, Vol. IV, p. 417.]

[SEPTEMBER 22, 1861.—For A. S. Johnston to Rector, calling for 10,000 men from Arkansas, see Series I, Vol. IV, p. 422.]

[SEPTEMBER 22, 1861.—For A. S. Johnston to Pettus, calling for 10,000 men from Mississippi, see Series I, Vol. IV, p. 421.]

OFFICE OF THE MISSISSIPPI AND CENTRAL R. R. CO.,
Holly Springs, September 22, 1861.

Hon. JEFFERSON DAVIS,
President Confederate States of America, Richmond:

DEAR SIR: Supposing the most speedy manufacturing of arms for the Confederate Army, and the keeping in good order the equipments of the various railroads in the Confederate States for the expeditious movement of troops and munitions of war, to be of great importance, and perhaps vital to our success, and knowing the difficulty of obtaining the requisite number of mechanics to accomplish this object, pardon me for suggesting that permission be granted to look for mechanics among the volunteers of the Army, and if any be found that leave of absence be granted them on condition that they engage their services to some one of the many who would gladly employ them during the continuance of their furlough. It is well known that many valuable mechanics felt it to be their duty to tender their services to the country, who now occupy places in the Army, and whose place could be supplied by those not mechanics. By this method, carefully pursued, it is probable many shops now almost destitute of mechanics could be supplied and the number of workmen in others increased.

With respect, I remain your obedient servant,

W. GOODMAN.

[Indorsement.]

SECRETARY OF WAR:

The within suggestion has been complained of by others. In some instances a remedy might be found in transfer to local defense.

J. D.

[SEPTEMBER 23, 1861.—For Benjamin to Clark, requesting the issue of a proclamation calling out the militia of certain counties in North Carolina, see Series I, Vol. IV, p. 655.]

CHARLESTON, *September 23, 1861.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond:

DEAR SIR: We have this moment received your telegram asking us to send on an agent if we are prepared to contract on the subject mentioned to Mr. Hanckel, which we understand to mean powder. We are not prepared to enter into any contracts, being ignorant what our friends in Liverpool may be able to accomplish in the way of procuring and shipping a large quantity. At the instance of General Ripley we are sending out an order for 100,000 pounds for the Government, and we are sending also for 100,000 pounds for the State of South Carolina. In addition to these quantities we shall direct our friends to send out 250,000 pounds at our own risk. We are taking every precaution to insure success, but the result is at least doubtful. Should the Government desire to send any further orders, we shall be happy to attend to them.

Yours, most respectfully,

JNO. FRASER & CO.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 24, 1861.

Col. A. C. MYERS,
Acting Quartermaster-General:

SIR: The number of engines and cars on the East Tennessee and Virginia Railroad is totally inadequate to the transportation service of the Government. Both engines and cars are required. The number of engines required is six, at least twenty-six tons. The number of cars required is seventy box-cars. The two companies supposed to have the largest available means now disposable for this purpose are the Western and Atlantic Railroad Company, of Georgia, and the Mobile and Ohio Railroad. You are instructed to make immediate effort by one of your efficient officers to obtain from those companies by contract the engines and cars thus imperatively required for the public service. If unable to obtain them by contract you are authorized to impress them and have a just estimate of their value made, to serve as a basis of settlement with the owners.

Your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

RICHMOND, *September 25, 1861.*

Col. W. S. ASHE,
Richmond, Va.:

SIR: Under the authority of the War Department to provide the means of increasing the motive power and rolling-stock on the East Tennessee and Virginia Railroad you will please proceed to the Western and Atlantic Railroad and the Mobile and Ohio Railroad and procure from one or the other, or both, six locomotives and seventy box-cars, if that number be required, and have them placed under the orders of Campbell Wallace, who has taken charge of the East Tennessee and Virginia Railroad. You will please contract for the purchase of the engines and cars, if it can be done on such terms as you consider fair. If you cannot purchase you are authorized to impress the engines and cars and have them appraised so that they may be paid for by the Government of the Confederate States.

A. C. MYERS,
Acting Quartermaster-General.

[SEPTEMBER 25, 1861.—For Bragg to Benjamin, with reference to appointments of officers from the old United States service, see Series I, Vol. VI, p. 744.]

HEADQUARTERS MILITARY DISTRICT,
Savannah, September 25, 1861.

General S. COOPER,
Adjutant-General, Richmond, Va.:

GENERAL: As no instructions have been sent me in reference to the rifled cannon and small-arms which arrived here by the steamer Bermuda, and there are thousands of unarmed men offering to organize for the defense of this coast, I have taken possession of such portion of these arms as are understood to belong to the Confederate

Government. Before this letter reaches you most of these arms will probably be placed in the hands of troops actually mustered into the service of the Confederate States. The pressing necessity under which I labor has forced me to assume this responsibility, and I trust the Department will see that I could not have acted otherwise. The people of Georgia are at this moment in the greatest alarm at the intelligence, which seems reliable, that the mammoth expedition now being fitted out in New York is intended for Brunswick, on the lower part of the coast of Georgia. Thousands of able-bodied men are offering their services for the defense of the soil, but Georgia has been stripped of all arms intended for war purposes, and she has even quite exhausted the supply of private arms to supply her soldiers on the frontiers of Virginia. This arrival by the Bermuda at such a juncture seems to them providential, and I could not be responsible for the consequences if the attempt is made to remove them all from the State at such a critical moment. I trust that my action may be approved and that I may be notified at once by telegraph to quiet all apprehension on the subject. I will endeavor to confine myself in the distribution of these arms to the use of 3,000 of the Enfield rifles and six pieces of rifled cannon, and will be happy to direct the shipment of the remainder to such places as may be indicated. In order to insure prompt delivery of this communication and early attention to its contents, I send it by the hands of my volunteer aide-de-camp, Capt. Duncan L. Clinch, who is fully possessed of my views in the premises, and can give explanations and take charge of such communication as you may desire to make in reply.

I am, general, very respectfully, your obedient servant,

A. R. LAWTON,
Brigadier-General, Commanding.

[SEPTEMBER 25, 1861.—For Benjamin to Polk, authorizing the organization of troops at Columbus, Ky., for local defense, see Series I, Vol. IV, p. 425.]

WAR DEPARTMENT, ORDNANCE OFFICE,
Richmond, September 26, 1861.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: I have the honor to inclose herewith, in obedience to request contained in your letter of the 22d, statements as follows, viz: (1) Statement of ammunition subject to the order of the Ordnance Department, with the places of deposit. (2) Statement of small-arms subject to order of Ordnance Department, and where deposited. (3) Statement of artillery subject to the order of Ordnance Department, and where deposited. (4) Statement of outstanding contracts for small-arms and artillery given by the Ordnance Department. (5) Statement of establishments for the supply of ammunition, small-arms, and artillery under the control of the Government.

All of which are respectfully submitted.

Very respectfully, your obedient servant,

J. GORGAS,
Lieutenant-Colonel and Chief of Ordnance.

[Inclosures.]

No. 1.—*Statement of ammunition subject to the order of the Ordnance Department, with their places of deposit, on the 30th of June, 1861.*

Name or place of deposit.	Small-arm ammunition.	Ammunition for artillery.	Cannon-powder.	Musket-powder.	Rifle-powder.	Mixed powder.	Unserviceable powder.	Blasting powder.
	Rounds.	*Rounds.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*
Charleston Arsenal, S. C.	86,700	.....	.....	1,100	600	.....	.....	.....
Fayetteville Armory, N. C.	.....	.....	.....	.....	.....	.....	.....	.....
Augusta Arsenal, Ga.	303,190	.....	24,700	4,200	.....	.....	.....	.....
Mount Vernon Arsenal, Ala.	29,688	.....	.....	1,150	13,800	77,000	2,000	.....
Baton Rouge Arsenal, La.	111,000	1,220	28,400	3,420	17,350	.....	.....	.....
Apalachicola Arsenal, Fla. *a*	.....	.....	.....	.....	.....	.....	.....	.....
Little Rock Arsenal, Ark. *a*	.....	.....	.....	.....	.....	.....	.....	.....
Texas Arsenal, San Antonio, Tex.	200	.....	.....	.....	.....	.....	.....	.....
Savannah Depot, Ga.	36,580	.....	800	2,590	.....	.....	.....	.....
Montgomery Depot, Ala.	900	.....	.....	.....	.....	.....	.....	.....
Nashville (Tenn.) Depot *a*	.....	.....	.....	.....	.....	.....	.....	.....
Norfolk Depot, Va. *a*	.....	.....	.....	.....	.....	.....	.....	.....
Fort Morgan, Ala.	130,630	4,792	11,800	.....	1,780	4,825	.....	.....
Fort Brown *a*	.....	.....	.....	.....	.....	.....	.....	.....
Fort Macon *a*	.....	.....	.....	.....	.....	.....	.....	.....
Fort Johnston	11,470	211	1,750	75	12	.....	.....	.....
Fort Caswell	6,670	2,312	23,450	675	1,175	.....	.....	1,050
Forts Jackson and Saint Philip	.....	4,115	19,900	500	.....	.....	.....	.....
Fort Pike *a*	.....	.....	.....	.....	.....	.....	.....	.....
Fort Sumter *a*	.....	.....	.....	.....	.....	.....	.....	.....
Fort Moultrie *a*	.....	.....	.....	.....	.....	.....	.....	.....
Castle Pinckney *a*	.....	.....	.....	.....	.....	.....	.....	.....
Fort Pulaski *a*	.....	.....	.....	.....	.....	.....	.....	.....
Fort Clark, Tex.	25,670	1,424	6,318	.....	12	.....	.....	.....
Fort Gaines	1,600	.....	2,470	.....	.....	.....	.....	.....
Fort Smith *a*	.....	.....	.....	.....	.....	.....	.....	.....
Warrington Navy-Yard, Pensacola	274,000	9,787	13,775	1,465	75	.....	.....	.....
Galveston, Tex. *a*	.....	.....	.....	.....	.....	.....	.....	.....
Berwick Bay *a*	.....	.....	.....	.....	.....	.....	.....	.....
Saint Augustine, Fla. *a*	.....	.....	.....	.....	.....	.....	.....	.....
Fernandina, Fla. *a*	.....	.....	.....	.....	.....	.....	.....	.....
Confederate States Laboratory, Richmond.	198,500	.....	.....	.....	.....	.....	.....	.....
Headquarters of General Magruder. *a*	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters of General Beauregard. *a*	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters of General Holmes.	27,717	112	300	.....	.....	.....	.....	.....
Headquarters of General J. E. Johnston. *a*	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters of General Lee *a*	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters of General Floyd *a*	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters of General Wise *a*	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters of General A. S. Johnston. *a*	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters of General Hardee *a*	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters of General McCulloch. *a*	.....	.....	.....	.....	.....	.....	.....	.....
Oak Island Battery (Cape Fear River).	.....	90	.....	.....	.....	.....	.....	.....
Confederate Point Battery (Cape Fear River).	1,200	260	140	.....	.....	.....	.....	.....
Zeek's Island Battery (Cape Fear River)	900	117	.....	.....	.....	.....	.....	.....
Wilmington, N. C.	1,200	135	.....	.....	.....	.....	.....	.....
Headquarters Lynchburg	4,800	.....	.....	.....	.....	.....	.....	.....
Total	1,252,615	24,575	133,803	15,175	34,804	81,825	2,000	1,050

a No return received.

J. GORGAS,
Lieutenant-Colonel and Chief of Ordnance.

ORDNANCE OFFICE, *September 24, 1861.*

No. 2.—*Statement of small-arms subject to the order of the Ordnance Department, with their places of deposit, on the 30th of June, 1861.*

Where deposited.	Muskets.	Muskets, rifled.	Rifles.	Carbines, percussion.	Carbines, flint.	Pistols, Colt.	Pistols, flint.	Pistols, percussion.	Cavalry sabers.	Non-commissioned officers' swords.	Sabers, horse artillery.	Sabers, cavalry.	Musicians' swords.
Ordnance Store-house, Richmond *a*	1,273	.....	584	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Charleston Arsenal	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	.....	.....
Fayetteville Arsenal *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Augusta Arsenal *c*	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mount Vernon Arsenal	553	247	14	53	.....	.....	.....	27	.....	.....	.....	84	.....
Baton Rouge Arsenal *d*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Apalachicola Arsenal *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Little Rock Arsenal *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Texas Arsenal	.....	.....	.....	.....	.....	58	.....	137	.....	.....	.....	.....	.....
Savannah Depot *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Montgomery Depot *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Nashville Depot *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Morgan	45	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Brown *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Macon *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Johnston *e*	183	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Caswell *f*	96	.....	20	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Forts Jackson and Saint Philip	.....	93	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Pike *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Sumter *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Moultrie *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Pulaski *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Castle Pinckney *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Gaines	83	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Smith *b*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Warrington Navy-Yard *g*	53	.....	.....	.....	.....	398	.....	.....	.....	.....	50	.....	.....
Galveston *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Berwick Bay *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Saint Augustine *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fernandina *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Norfolk *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters General Magruder *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters General Beauregard *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters General Holmes *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters General J. E. Johnston. *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters General Lee *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters General Floyd *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters General Wise *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters General A. S. Johnston. *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters General Hardee *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Headquarters General McCulloch *h*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Clark *i*	.....	6	9	5	.....	.....	.....	.....	3	6	13	.....	9
Headquarters Lynchburg	705	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	2,992	351	627	58	.....	456	.....	164	3	6	66	84	9

a Thirty-two muskets damaged.
b No return.
c Unserviceable.
d None on hand.
e Seventeen unserviceable.
f Four muskets defective.
g 1,000 unserviceable pistols, navy.
h No report.
i One rifle irreparable.

J. GORGAS.

ORDNANCE OFFICE, *September 24, 1861.*

No. 3.—*Statement of artillery subject to the order of the Ordnance Department, and their places of deposit, on the 30th day of June, 1861.*

Where deposited.	42-pounder iron guns.	32-pounder iron guns.	24-pounder iron guns.	18-pounder iron guns.	12-pounder iron guns.	6-pounder iron guns.	10-inch columbiads.	8-inch columbiads.	8-inch sea-coast howitzers.	7⅓-inch naval howitzers.	24-pounder iron howitzers, for flank defense.	12-pounder iron howitzers.	32-pounder navy carronades.	Navy shell guns.	13-inch mortars.	10-inch siege mortars.	8-inch mortars.	8-inch iron howitzers.
Ordnance Store-house, Richmond. *a*																		
Charleston Arsenal *a*																		
Fayetteville Arsenal *b*																		
Augusta Arsenal						6						2						
Mount Vernon Arsenal			1			2												
Baton Rouge Arsenal *a*																		
Apalachicola Arsenal *b*																		
Little Rock Arsenal *b*																		
Texas Arsenal *a*																		
Savannah Depot *a*																		
Montgomery Depot *a*																		
Nashville Depot *b*																		
Fort Morgan		49	15				2	2			20					2		
Fort Brown *b*																		
Fort Macon *b*																		
Fort Johnston			2			5												
Fort Caswell		9	13			3		3	3					2				
Forts Jackson and Saint Philip. *c*		25	53					7		2	9				1	2	3	
Fort Pike *b*																		
Fort Sumter *b*																		
Fort Moultrie *b*																		
Fort Pulaski *b*																		
Castle Pinckney *b*																		
Oak Point Battery, Wilmington.			2															
Fort Gaines		2																
Fort Smith *b*																		
Warrington Navy-Yard	2	14	57	5	2						3					2		
Galveston *b*																		
Berwick Bay *b*																		
Saint Augustine *b*																		
Fernandina *b*																		
Norfolk *b*																		
Headquarters General Magruder. *b*																		
Headquarters General Beauregard. *b*																		
Headquarters General Holmes. *b*																		
Headquarters General J. E. Johnston. *b*																		
Headquarters General Lee. *b*																		
Headquarters General Floyd. *b*																		
Headquarters General Wise. *b*																		
Headquarters General A. S. Johnston. *b*																		
Headquarters General Hardee. *b*																		
Headquarters General McCulloch. *b*																		
Confederate Point Battery, Wilmington.			3			1												
Zeek's Island, Wilmington.		2							1									
Wilmington, N. C.													13					
Fort Clark, Tex.			4															2
Total	2	101	150	5	2	17	2	12	4	2	32	2	13	2	1	6	3	2

a None on hand. *b* No returns.

c Seventeen 24-pounders not mounted; one 24-pounder not mounted at Forts Jackson and Saint Philip.

J. GORGAS.

ORDNANCE OFFICE, *September 24, 1861.*

No. 4.—*Statement of outstanding contracts.*

SUMMARY.

8-inch columbiads	240
10-inch columbiads	180
15-inch columbiads	15
8-inch carriages and chassis	150
10-inch carriages and chassis	100
15-inch carriages and chassis	15
6-pounder gun carriages	135
6-pounder caissons	105
12-pounder howitzer carriages and caissons	6
24-pounder siege carriages	30
Portable forges	24
3-inch rifled guns	131
12-pounder iron howitzers	81
24-pounder iron howitzers	40
Brass 6-pounders	6
24-pounder iron howitzer carriages	40
Sabers	12,700
Grape-shot revolvers	5,000
Rifled muskets	20,000
Rifles	16,000
Sword-bayonets	4,000
Breech-loading carbines	5,000
Lances	1,000

J. GORGAS,
Lieutenant-Colonel and Chief of Ordnance.

ORDNANCE OFFICE, *September 24, 1861.*

No. 5.—*List of establishments for the supply of ammunition, small-arms, and artillery under the control of the Government.*

No.	Name of establishment.	In what manufacture engaged.	Production.
1	C. S. Laboratory, Richmond	Ammunition	50,000 to 100,000 rounds small-arms, 900 field artillery, per day.
2	C. S. Armory, Richmond	Small-arms	From Sept. 15, 1861, 1,000 per month.
3	C. S. Armory, Fayetteville	do	From Mar. 1, 1862, 500 per month.
4	Augusta Arsenal	Ammunition	20,000 to 30,000 per day small-arms, and preparing to turn out field artillery.
5	Charleston Arsenal	do	15,000 to 20,000 per day small-arms, and preparing to turn out field artillery.
6	Mount Vernon Arsenal	do	10,000 to 15,000 per day small-arms, and preparing to turn out field artillery.
7	Baton Rouge Arsenal	Ammunition and artillery carriages.	30,000 to 40,000 per day small-arms, and preparing to turn out field artillery; also one field carriage per week.
8	Virginia Military Institute	Ammunition	5,000 to 10,000 small-arms.
9	Norfolk	do	Do.

There is also an establishment at Asheville, N. C., for the manufacture, alteration, and repair of small-arms, but no report as to its capacity has been received.

J. GORGAS,
Lieutenant-Colonel and Chief of Ordnance.

ORDNANCE OFFICE, *September 24, 1861.*

[SEPTEMBER 26, 1861.—For Davis to Moore, in relation to the defense of the coast of Louisiana and the approaches to New Orleans, see Series I, Vol. VI, p. 746.]

TREASURY DEPARTMENT,
September 27, 1861.

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

The returns of the war tax of the State of Louisiana have been completed for all the districts except six, and as to these six the circumstances of the country will prevent their completion for several months. An estimate has been made of the probable tax of these districts by the chief collector, and the aggregate for the whole State, including these districts, will amount to about $2,700,000, from which deduct 10 per cent., $270,000; net tax, $2,430,000; the State of Louisiana has paid into the Treasury $2,500,000; excess, $70,000. Assuming this statement to be nearly correct, the State has overpaid to this Government $70,000, and the Governor of Louisiana desires that amount to be refunded, subject to a final adjustment whenever the assessments and returns are all completed. The application is so reasonable that I beg leave to submit an estimate for the same, and to recommend that an appropriation be made for repaying the amount, subject to the final adjustment, as above stated.

Very respectfully, your obedient servant,

C. G. MEMMINGER,
Secretary of the Treasury.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 27, 1861.

Messrs. JOHN FRASER & CO.:

GENTLEMEN: I have your favor of the 23d instant. I understood from Mr. Hanckel that you proposed to place the Bermuda at the service of the Government by way of charter, and on conference with the Secretary of the Navy we concluded that we could employ her whole tonnage if the terms were mutually satisfactory. It was for that reason I telegraphed a request that you would send us some person authorized to contract for your house in the matter. Having said thus much by way of explanation, I now add that I heartily approve of the arrangement made with you by General Ripley for bringing out 100,000 pounds of cannon-powder for the Government. I will not request from you, under the circumstances, any further attention in behalf of the Government, satisfied from your known zeal and patriotism that your house in Liverpool will aid our agents there in any manner in their power, and Captain Huse will receive renewed instructions to apply to them, in full confidence that they will cheerfully facilitate any arrangements he may desire to make.

Your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

[SEPTEMBER 28, 1861.—For Pettus to A. S. Johnston, in relation to a call for 10,000 troops from Mississippi, &c., see Series I, Vol. IV, p. 431.]

HEADQUARTERS SOUTH CAROLINA,
September 28, 1861.

Hon. J. P. BENJAMIN,
Acting Secretary of War, Richmond, Va..

SIR: I have raised, under requisitions from your Department, five regiments of volunteers for the war, and am now engaged in preparing for the defense of our coast, and would most respectfully ask that no one be authorized from your Department to raise additional troops from this State without the knowledge and consent of the Executive. Having sent some 11,000 stand of arms to Virginia, in the hands of volunteer troops, for Confederate service, from this State, I find some difficulty in procuring suitable arms for the troops I am now engaged in raising, and would be grateful for any assistance you may afford me in this behalf.

I am, sir, very respectfully, your obedient servant,
F. W. PICKENS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 29, 1861.

Brig. Gen. A. R. LAWTON,
Savannah, Ga.:

SIR: Your letter of the 25th instant to the Adjutant-General has been submitted to me and by me to the President, and it is my duty to inform you that the Government finds matter for grave censure in your conduct. Your letter states that you have taken possession of arms belonging to the Government without a shadow of authority for so doing, and gives as a reason that "no instructions had been sent you in reference to the rifled cannon and small-arms," and "there are thousands of unarmed men offering to organize for the defense of this coast." The Department is utterly at a loss to conceive on what ground you could expect instructions in relation to these arms. It acts through its appropriate bureaus, and had given instructions in relation to the disposal of them to the chief of the Ordnance Bureau, the officer charged by law and by the organization of this Department with that duty, and it could no more suppose you would interfere in a matter which in no wise concerned your command than that you would assume to exercise authority in Virginia or Missouri; nor does any urgent necessity, such as you allege, seem to have existed. Whatever extenuation might properly be conceded to the case of an officer commanding on a distant frontier cannot justly be applied to your case, because it was within your power to ask instructions by telegraph or to crave permission to use the arms for the exigency of a sudden attack. Instead of so doing you informed the Department by telegraph of your intention to seize these arms, to which no other answer could be made than to renew the order to the Ordnance Bureau to have them disposed of in conformity with previous orders.

It is scarcely necessary to observe that if the Government cannot have its property intended for public defense landed or deposited at any point of the Confederacy without being exposed to have it seized and appropriated by its officers to meet supposed local exigencies, it would be better to abandon at once all attempts to conduct the defense of the country on an organized system and deliver over the control of the military operations to the local militia or to popular meetings. I deeply regret the necessity of making these remarks,

confident that your error has been one of judgment only, but the occasion requires the expression of decided disapprobation from this Department of action which, if unchecked, would have the most disastrous effect on the public weal. You are instructed to return to the ordnance office having control of this property all the arms mentioned in your letter, except 1,000 rifles and 1 rifled cannon, which the Department has appropriated for the use of your command, and had ordered to be delivered to you.

Your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 29, 1861.

His Excellency THOMAS O. MOORE,
Governor of Louisiana, New Orleans:

SIR: In the letter of this Department to Your Excellency of June 30, 1861, calling for the organization of a reserve army corps, &c., the selection of the camps of instruction to which these troops when enlisted should be assigned was left to the discretion of Your Excellency. I have now the honor to request Your Excellency to furnish to this Department a statement of the location of these camps of instruction, the names by which they are called, the post-offices by which they may be addressed, and the number and organization of the troops there encamped under the call referred to. I would also respectfully request the favor of Your Excellency to furnish, so far as may be within your knowledge, a similar list of any other camps of instruction which may have been established within your State.

Very respectfully,

J. P. BENJAMIN,
Acting Secretary of War.

(Same to the Governors of the several States.)

[SEPTEMBER 29, 1861.—For Moore to Benjamin, in relation to organizing troops and procuring arms, &c., see Series I, Vol. VI, p. 747.]

ADJUTANT-GENERAL'S OFFICE,
New Orleans, La., September 29, 1861.

Maj. Gen. J. L. LEWIS,
First Division Louisiana Militia, New Orleans, La.:

GENERAL: The major-general commanding has decided not to make use of the services of the companies of colored citizens tendered him as an escort for the prisoners of war, and instructs me to communicate his decision to you.

He thanks them for the promptness with which they answered the call, and is assured that they will be equally ready upon a more important occasion.

I have the honor to be, general, very respectfully, your obedient servant,

JNO. G. DEVEREUX,
Lieutenant and Acting Assistant Adjutant-General.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, September 30, 1861.

General S. COOPER,
Adjutant and Inspector General, Richmond:

GENERAL: In answer to an inquiry dated September 22, from the Honorable Secretary of War, I have the honor to submit the following reports, viz:

I. Statement of the whole number of first lieutenants in the C. S. Army, the whole number appointed to date, and the number of vacancies to be filled.*

II. Similar statement of second lieutenants.*

III. Tabular statement of the regiments, battalions, and independent companies mustered into service from each State and their present location.

IV. Statement of generals who are in independent commands, with a list of the generals subordinate to them.

In regard to the clerical force in this Department, about which the Secretary inquires, I would respectfully suggest that temporary employment is now ready for at least three more clerks. The constant increase of papers and business cannot be attended to by the present force.

The returns from many States are so very incomplete and the commanders of regiments, &c., have been so remiss in forwarding muster-rolls and returns to this Department as to render a complete report out of our power. The State of North Carolina, furnishing twenty-six regiments, has only four regiments whose muster-rolls have been received. The State of Virginia, with over sixty-five regiments, has many rolls of independent companies which cannot be classified, from our ignorance of its regimental organizations. Return No. III gives as a total 254 regiments. Other regiments are organized and organizing which are yet unreported.

I am, sir, respectfully, your obedient servant,

V. D. GRONER.

III.—*Statement of the regiments, battalions, and companies mustered into the service of the Confederate States.*

ALABAMA.

Number of regiment or battalion.	Commander.	Station.
First	Col. H. D. Clayton	Pensacola.
Second	Col. Henry Maury	Fort Morgan.
Third	Col. T. Lomax	Norfolk.
Fourth	Col. E. J. Jones	Manassas.
Fifth	Col. R. E. Rodes	Do.
Sixth	Col. J. J. Seibels	Do.
Seventh	Col. S. A. M. Wood	Pensacola.
Eighth	Col. John A. Winston	Yorktown.
Ninth	Col. C. M. Wilcox	Manassas.
Tenth	Col. John H. Forney	Do.
Eleventh	Col. Sydenham Moore	Do.
Twelfth	Col. Theodore O'Hara	Do.
Thirteenth	Col. B. D. Fry	Yorktown.
Fourteenth	Col. Thomas J. Judge	Camp of Instruction, Auburn, Ala.
Fifteenth	Col. James Cantey	Manassas.
Sixteenth	Col. W. B. Wood	Knoxville.
Seventeenth	Col. Thomas H. Watts	Camp of Instruction, Shorter's Depot, Ala.
Eighteenth	Col. E. C. Bullock	Camp of Instruction, Auburn, Ala.
Nineteenth	Col. Joseph Wheeler	Camp of Instruction, Huntsville, Ala.

* Statements (here omitted) show 121 first lieutenants and 165 second lieutenants appointed, and 69 vacancies in the first lieutenancies and 95 vacancies in the second lieutenancies to be filled.

III.—*Statement of the regiments, battalions, and companies mustered into the service of the Confederate States*—Continued.

ALABAMA—Continued.

Number of regiment or battalion.	Commander.	Station.
Twentieth	Col. Robert T. Jones	Camp of Instruction, Auburn, Ala.
Twenty-first	Col. W. R. Smith	Camp of Instruction, Tuscaloosa, Ala.
Battalion of infantry		Alabama (five companies).
Battalion of artillery	Maj. James T. Gee	Fort Morgan (six companies).
Company of cavalry	Capt. J. H. Clanton	Pensacola (one company).
Battalion of mounted rifles		Pensacola (two companies).
Battalion of dragoons		Pensacola (one company).

ARKANSAS.

First	Col. J. F. Fagan	Fredericksburg.
Second	Col. T. C. Hindman	With McCulloch.
Third	Col. A. Rust	Army of Northwestern Virginia.
Fourth		With McCulloch.
First Battalion	Lieut. Col. J. S. Marmaduke	Hardee's command.
First Cavalry	Col. T. J. Churchill	With McCulloch.
Second Cavalry	Col. James McIntosh	Do.
Creek Indians	Col. D. H. Cooper	Do.

FLORIDA.

First	Col. J. Patton Anderson	Pensacola.
Second	Col. George T. Ward	Yorktown.
Third	(Not reported)	East Florida.
Fourth	(Not reported)	Do.

GEORGIA.

First (enlisted men)	Col. C. J. Williams	Manassas.
First (four months)	Col. H. W. Mercer	Savannah.
First	Col. J. N. Ramsey	Army of Northwestern Virginia.
Second	Col. Paul J. Semmes	Manassas.
Third	Col. A. R. Wright	Norfolk.
Fourth	Col. George Doles	Do.
Fifth	Col. John K. Jackson	Pensacola.
Sixth	Col. A. H. Colquitt	Yorktown.
Seventh	Col. L. J. Gartrell	Manassas.
Eighth	Col. W. M. Gardner	Do.
Ninth	Col. E. R. Goulding	Do.
Tenth	Col. L. McLaws	Yorktown.
Eleventh	Col. George T. Anderson	Manassas.
Twelfth	Col. Edward Johnson	Army of Northwestern Virginia.
Thirteenth	Col. Walton Ector	Army of Kanawha.
Fourteenth	Col. A. V. Brumby	Army of Northwestern Virginia.
Fifteenth	Col. T. W. Thomas	Manassas.
Sixteenth	Col. H. Cobb	Yorktown.
Seventeenth	Col. H. L. Benning	Lynchburg.
Eighteenth	Col. W. T. Wofford	Richmond.
Nineteenth	Col. W. W. Boyd	Army of Kanawha.
Twentieth	Col. W. D. Smith	Manassas.
Twenty-first	Lieut. Col. John T. Mercer	Do.
Twenty-second	Col. Robert H. Jones	Camp of Instruction, Ga.
Twenty-third	Col. T. Hutcherson	Do.
Twenty-fourth	Col. Robert McMillan	Goldsborough.
Twenty-fifth	Col. C. C. Wilson	Savannah.
Twenty-sixth	(Not reported)	Camp of Instruction, Griffin, Ga.
Twenty-seventh	(Not reported)	Do.
Twenty-eighth	(Not reported)	Camp of Instruction, Big Shanty, Ga.
Twenty-ninth	(Not reported)	Do.
Georgia Legion	Col. T. R. R. Cobb	Yorktown.
Phillips' Legion	Col. William Phillips	Army of Kanawha.
First Battalion	Lieut. Col. J. B. Villepigue	Pensacola
Second Battalion	Maj. Thomas Hardeman, jr.	Norfolk.
Battalion of mounted rifles	Capt. C. A. L. Lamar	

III.—*Statement of the regiments, battalions, and companies mustered into the service of the Confederate States*—Continued.

KENTUCKY.

Number of regiment or battalion.	Commander.	Station.
First	Lieut. Col. Thomas H. Taylor	Manassas.
Second	Col. R. W. Hanson	Kentucky line.
Third	Col. Lloyd Tilghman	Do.
Fourth	Col. R. P. Trabue	Do.

LOUISIANA.

First (enlisted men)	Col. A. H. Gladden	Pensacola.
First	Col. A. G. Blanchard	Norfolk.
Second	Col. William M. Levy	Yorktown.
Third	Col. Louis Hébert	With McCulloch.
Fourth	Col. R. J. Barrow	Louisiana.
Fifth	Col. T. G. Hunt	Yorktown.
Sixth	Col. I. G. Seymour	Manassas.
Seventh	Col. Harry T. Hays	Do.
Eighth	Col. H. B. Kelly	Do.
Ninth	Col. R. Taylor	Do.
Tenth	Col. Mandeville Marigny	Yorktown.
Eleventh	Col. S. F. Marks	Union City, Tenn.
Twelfth		
Thirteenth		Tennessee (General Polk).
Fourteenth	Col. V. Sulakowski	Yorktown.
Fifteenth	Col. C. M. Bradford	Norfolk.
Sixteenth	(Not reported)	Organizing in Louisiana.
Special Battalion	Maj. C. R. Wheat	Manassas.
Fourth Battalion	Maj. George C. Waddill	Richmond.
Dreux's battalion infantry	Lieut. Col. N. H. Rightor	Yorktown.
Battalion zouaves	Lieut. Col. G. Coppens	Do.
Washington Artillery	Maj. J. B. Walton	Manassas.
First Artillery	Col. P. O. Hébert	Louisiana.
First Cavalry	Col. J. S. Scott	Do.

MARYLAND.

First	Col. G. H. Steuart	Manassas.

MISSISSIPPI.

Second	Col. W. C. Falkner	Manassas.
Third	Col. T. J. Davidson	Camp of Instruction, Iuka, Miss.
Sixth	Col. B. G. Humphreys	Manassas.
Ninth	Col. J. R. Chalmers	Pensacola.
Tenth	Col. R. A. Smith	Do.
Eleventh	Col. William H. Moore	Manassas.
Twelfth	Col. Richard Griffith	Do.
Thirteenth	Col. William Barksdale	Do.
Fourteenth	Col. W. E. Baldwin	Tennessee.
Fifteenth	Col. W. S. Statham	
Sixteenth	Col. C. Posey	Manassas.
Seventeenth	Col. W. S. Featherston	Do.
Eighteenth	Col. E. R. Burt	Do.
Nineteenth	Col. C. H. Mott	Do.
Twentieth	Col. D. R. Russell	Army of Kanawha.
First Battalion	Maj. A. K. Blythe	With General Cheatham, near New Madrid, Mo.
First Battalion Cavalry	Maj. J. H. Miller	Do.
Squadron of cavalry		Union City, Tenn.

MISSOURI.

First	Col. John S. Bowen	Kentucky line.

III.—*Statement of the regiments, battalions, and companies mustered into the service of the Confederate States*—Continued.

NORTH CAROLINA.

Number of regiment or battalion.	Commander.	Station.
First	Col. M. S. Stokes	Manassas, or Holmes' command.
Second	Col. C. C. Tew	Fredericksburg.
Third	Col. G. Meares	Do.
Fourth	Col. G. B. Anderson	Manassas.
Fifth	Col. D. K. McRae	Do.
Sixth	Col. W. D. Pender	Do.
Seventh	Col. R. P. Campbell	North Carolina.
Eighth	Col. H. M. Shaw	Do.
Ninth (cavalry)	Col. R. Ransom, jr.	Camp of Instruction, N. C.
Tenth (cavalry)	Col. S. B. Spruill	Do.
Eleventh	Col. J. A. J. Bradford	North Carolina.
Twelfth	Col. S. Williams	Norfolk.
Thirteenth	Lieut. Col. W. S. Guy	Do.
Fourteenth	Col. J. Daniel	Do.
Fifteenth	Col. R. M. McKinney	Yorktown.
Sixteenth	Col. Stephen Lee	Army of Northwestern Virginia.
Seventeenth	Col. W. F. Martin	North Carolina.
Eighteenth	Col. J. D. Radcliffe	Do.
Nineteenth	Col. C. C. Lee	Yorktown.
Twentieth	Col. A. Iverson, jr.	North Carolina.
Twenty-first	Col. W. W. Kirkland	Manassas.
Twenty-second	Col. J. J. Pettigrew	Fredericksburg.
Twenty-third	Col. John F. Hoke	Manassas.
Twenty-fourth	Col. W. J. Clarke	Lewisburg.
Twenty-fifth	Col. T. L. Clingman	North Carolina.
Twenty-sixth	Col. Z. B. Vance	Do.

SOUTH CAROLINA.

First (rifles)	Col. James L. Orr	South Carolina.
First	Col. Maxcy Gregg	Norfolk.
Second	Col. J. B. Kershaw	Manassas.
Third	Col. J. H. Williams	Do.
Fourth	Col. J. B. E. Sloan	Do.
Fifth	Col. M. Jenkins	Do.
Sixth	Col. Charles S. Winder	Do.
Seventh	Col. T. G. Bacon	Do.
Eighth	Col. E. B. C. Cash	Do.
Ninth	Col. J. D. Blanding	Do.
Twelfth	Col. R. G. M. Dunovant	Camp of Instruction, Columbia, S. C.
Thirteenth	Col. O. E. Edwards	Do.
Fifteenth	Col. W. D. De Saussure	Do.
Hampton Legion	Col. Wade Hampton	Manassas.
Battalion of artillery	Lieut. Col. R. S. Ripley	Charleston, S. C.

TENNESSEE.

First (Provisional Army)	Col. P. Turney	Manassas.
Second (Provisional Army)	Col. W. B. Bate	Fredericksburg.
Third (Provisional Army)	Col. John C. Vaughn	Manassas.
Fourth (Provisional Army)	Col. William M. Churchwell	With General Zollicoffer.
First	Col. George Maney	
Second	Col. J. Knox Walker	Fort Pillow, Tenn.
Third	Col. John C. Brown	Camp of Instruction, Union City, Tenn.
Fourth	Col. R. P. Neely	
Fifth		
Sixth	Col. W. H. Stephens	With General Cheatham, near New Madrid, Mo.
Seventh	Col. Robert Hatton	
Eighth	Col. A. S. Fulton	
Ninth	Col. H. L. Douglass	With General Cheatham.
Tenth	Col. A. Heiman	Fort Henry, Tennessee River.
Eleventh	Col. James E. Rains	With General Zollicoffer.
Twelfth	Col. R. M. Russell	Columbus, Ky.
Thirteenth	Col. John V. Wright	
Fourteenth	Col. W. A. Forbes	
Fifteenth	Col. Charles M. Carroll	With General Cheatham.
Sixteenth	Col. John H. Savage	
Seventeenth	Col. T. W. Newman	With General Zollicoffer.
Eighteenth	Col. Joseph B. Palmer	Do.
Nineteenth	Col. D. H. Cummings	Do.

III.—*Statement of the regiments, battalions, and companies mustered into the service of the Confederate States*—Continued.

TENNESSEE—Continued.

Number of regiment or battalion.	Commander.	Station.
Twentieth	Col. Joel A. Battle	
Twenty-first	Col. E. Pickett, jr	
Twenty-second	Col. T. J. Freeman	
Twenty-third	Col. M. Martin	Camp Trousdale, Tenn.
Twenty-fourth	(Not reported)	
Twenty-fifth	(Not reported)	
Twenty-sixth	(Not reported)	
First Battalion Cavalry	Lieut. Col. G. R. McClellan	With General Zollicoffer.
Second Battalion Cavalry	Lieut. Col. Wm. Brazelton	Do.
Third Battalion Cavalry	Lieut. Col. S. H. Jones	

TEXAS.

First	Col. L. T. Wigfall	Manassas.
Second	Col. J. C. Moore	Texas (home defense).
Third	Col. P. N. Luckett	Do.
Fourth	Col. R. T. P. Allen	Richmond.
Fifth (organizing)		Do.
First Cavalry	Col. H. E. McCulloch	With General McCulloch.
Second Cavalry	Col. John S. Ford	Texas.
Third Cavalry	Col. E. Greer	With General McCulloch.
Fourth Cavalry	Col. James Reily	With General Sibley.
Fifth Cavalry	Col. Thomas Green	Do.

VIRGINIA.

First	Col. P. T. Moore	Manassas.
Second	Col. J. W. Allen	Do.
Third	Col. R. A. Pryor	Norfolk.
Fourth	Col. J. F. Preston	Manassas.
Fifth	Col. W. H. Harman	Do.
Sixth	Col. William Mahone	Norfolk.
Seventh	Col. J. L. Kemper	Manassas.
Eighth	Col. Eppa Hunton	Do.
Ninth	Col. F. H. Smith	Norfolk.
Tenth	Col. A. C. Cummings	Manassas.
Eleventh	Col. S. Garland, jr	Do.
Twelfth	Col. D. A. Weisiger	Norfolk.
Thirteenth	Col. A. P. Hill	Manassas.
Fourteenth	Col. J. G. Hodges	Yorktown.
Fifteenth	Col. T. P. August	Do.
Sixteenth	Col. R. E. Colston	Norfolk.
Seventeenth	Col. M. D. Corse	Manassas.
Eighteenth	Col. R. E. Withers	Do.
Nineteenth	Col. P. St. G. Cocke	Do.
Twentieth (disbanded)	Lieut. Col. John Pegram	
Twenty-first	Col. W. Gilham	Army of Northwestern Virginia.
Twenty-second	Col. C. Q. Tompkins	Army of Kanawha.
Twenty-third	Col. W. B. Taliaferro	Army of Northwestern Virginia.
Twenty-fourth	Col. William R. Terry	Manassas.
Twenty-fifth	Col. George A. Porterfield	Army of Northwestern Virginia.
Twenty-sixth	Col. C. A. Crump	Yorktown.
Twenty-seventh	Col. W. W. Gordon	Manassas.
Twenty-eighth	Col. F. T. Preston	Do.
Twenty-ninth	Col. A. C. Moore	
Thirtieth	Col. R. M. Cary	Fredericksburg.
Thirty-first	Col. S. H. Reynolds	Army of Northwestern Virginia.
Thirty-second	Col. Benjamin S. Ewell	Yorktown.
Thirty-third	Col. S. B. Gibbons	Manassas.
Thirty-fourth	Col. J. W. Ware	Winchester.
Thirty-fifth	Col. A. Beckley	Army of Northwestern Virginia.
Thirty-sixth	Col. J. McCausland	Army of Kanawha.
Thirty-seventh	Col. S. V. Fulkerson	Army of Northwestern Virginia.
Thirty-eighth	Col. E. C. Edmonds	Manassas.
Thirty-ninth	Col. Charles Smith	Eastern Shore, Va.
Fortieth	Col. J. M. Brockenbrough	Fredericksburg.
Forty-first	Col. J. R. Chambliss, jr	Norfolk.
Forty-second	Col. Jesse S. Burks	Army of Northwestern Virginia.
Forty-third	Col. R. M. Conn	Winchester.
Forty-fourth	Col. W. C. Scott	Army of Northwestern Virginia.
Forty-fifth	Col. H. Heth	Army of Kanawha.
Forty-sixth	Col. J. L. Davis	Wise's brigade.

III.—*Statement of the regiments, battalions, and companies mustered into the service of the Confederate States*—Continued.

VIRGINIA—Continued.

Number of regiment or battalion.	Commander.	Station.
Forty-seventh	Col. G. W. Richardson	Fredericksburg.
Forty-eighth	Col. J. A. Campbell	Army of Northwestern Virginia.
Forty-ninth	Col. William Smith	Manassas.
Fiftieth	Col. A. W. Reynolds	Army of Kanawha.
Fifty-first	Col. G. C. Wharton	Do.
Fifty-second	Col. J. B. Baldwin	Army of Northwestern Virginia.
Fifty-third	Col. C. L. Stevenson	Do.
Fifty-fourth	Col. R. C. Trigg	Do.
Fifty-fifth	Col. F. Mallory	Fredericksburg.
Fifty-sixth	Col. W. D. Stuart	Army of Northwestern Virginia (en route).
First (militia)	(Not known)	Winchester.
Second (militia)	(Not known)	Do.
Third (militia)	(Not known)	Do.
Fourth (militia)	(Not known)	Do.
Battalion of enlisted men	Maj. J. D. Munford	Army of Northwestern Virginia.
First Artillery	Col. G. W. Randolph	
Loudoun Artillery		Manassas.
Kemper's artillery	Capt. Del. Kemper	Do.
Latham's battery	Capt. H. G. Latham	Do.
Shields' battery	Capt. J. C. Shields	Do.
Triplett's artillery	Capt. T. Triplett	Do.
Hardaway's battery	Capt. R. A. Hardaway	Do.
Two companies of artillery		Army of Northwestern Virginia.
Five companies		With Magruder.
First Cavalry	Col. J. E. B. Stuart	Manassas.
Second Cavalry	Col. R. C. W. Radford	Do.
Third Cavalry	Col. Robert Johnston	Yorktown.
Fourth Cavalry	Col. B. H. Robertson	Manassas.
Fifth Cavalry	Major Mullins	Norfolk.
Sixth Cavalry	Col. C. W. Field	Manassas.
Seventh Cavalry	Col. A. W. McDonald	Winchester.
Eighth Cavalry	Col. W. H. Jenifer	Army of Kanawha.

IV.—*List of generals having independent commands; also general officers subordinate to them.*

DEPARTMENT NO. 2.

(Headquarters, Memphis, Tenn.)

General A. SIDNEY JOHNSTON, commanding.

Subordinate.—Maj. Gen. L. Polk, Brig. Gens. B. McCulloch, W. J. Hardee, H. H. Sibley, G. J. Pillow, Benjamin F. Cheatham, F. Zollicoffer, Albert Pike, S. B. Buckner, L. P. Walker, Mansfield Lovell.

NORTHWEST ARMY, VIRGINIA.

(Headquarters, Valley Mountain; post-office, Staunton, Va.)

General ROBERT E. LEE, commanding.

Subordinate.—Brig. Gens. W. W. Loring, John B. Floyd, Henry R. Jackson, Henry A. Wise, D. S. Donelson, S. R. Anderson.

ARMY OF POTOMAC.

(Headquarters, Manassas, Va.)

General JOSEPH E. JOHNSTON, commanding.

Subordinate.—General G. T. Beauregard, commanding First Corps; Maj. Gen. Gustavus W. Smith, commanding Second Corps; Brig. Gens. M. L. Bonham, Charles Clark, W. H. T. Walker, Richard S. Ewell, David R. Jones, James Longstreet, E. Kirby Smith, T. J. Jackson, Robert Toombs, George B. Crittenden, Sam. Jones, W. H. C. Whiting, Arnold Elzey, Jubal A. Early, J. E. B. Stuart.

DEPARTMENT NO. 1.

(Headquarters, New Orleans, La.)

Maj. Gen. DAVID E. TWIGGS, commanding.

DEPARTMENT OF WEST FLORIDA.

(Headquarters, Pensacola, Fla.)

Maj. Gen. BRAXTON BRAGG, commanding.

Subordinate.—Brig. Gens. Richard H. Anderson, Daniel Ruggles.

DEPARTMENT OF GEORGIA.

(Headquarters, Savannah, Ga.)

Brig. Gen. A. R. LAWTON, commanding.

DEPARTMENT OF FREDERICKSBURG.

(Headquarters, Fredericksburg, Va.)

Brig. Gen. T. H. HOLMES, commanding.

Subordinate.—Brig. Gen. Isaac R. Trimble.

DEPARTMENT OF NORFOLK.

(Headquarters, Norfolk, Va.)

Brig. Gen. B. HUGER, commanding.

Subordinate.—Brig. Gens. J. C. Pemberton, A. G. Blanchard.

ARMY OF THE PENINSULA.

(Headquarters, Williamsburg, Va.)

Brig. Gen. J. B. MAGRUDER, commanding.

Subordinate.—Brig. Gens. D. Harvey Hill, Lafayette McLaws.

MOBILE.

(Headquarters, Mobile.)

Brig. Gen. JONES M. WITHERS, commanding.

DEPARTMENT OF NORTH CAROLINA.

(Headquarters, Goldsborough, N. C.)

Brig. Gen. RICHARD C. GATLIN, commanding.

Subordinate.—Brig. Gen. Joseph R. Anderson.

DEPARTMENT OF SOUTH CAROLINA.

(Headquarters, Charleston, S. C.)

Brig. Gen. ROSWELL S. RIPLEY, commanding.

Subordinate.—Brig. Gen. T. F. Drayton.

DEPARTMENT OF EAST FLORIDA.

(Headquarters, Tallahassee, Fla.)

Brig. Gen. JOHN B. GRAYSON, commanding.

DEPARTMENT OF TEXAS.

(Headquarters, San Antonio, Tex.)

Brig. Gen. P. O. HÉBERT, commanding.

ACTING INSPECTOR-GENERAL OF CAMPS.

(Headquarters, Richmond.)

Brig. Gen. JOHN H. WINDER.

[SEPTEMBER 30, 1861.—For Rector to Benjamin, in relation to raising troops in Arkansas for the Confederate service, see Series I, Vol. III, p. 710.]

CHARLESTON, *September 30, 1861.*

Hon. J. P. BENJAMIN,
Acting Secretary of War:

DEAR SIR: We received your letter of 25th this morning only, the mails having been very irregular of late. We make due note that you have issued a requisition in our favor for $500,000, to be remitted to England for the credit and use of Capt. Caleb Huse, as agent of the Government. The warrant has not reached our hands yet, but we will endeavor to engage the sterling bills at once if possible, and shall be very much relieved if we can secure the amount at 12½ or 13 per cent. premium. We sold last week all we desire to draw for the present at 12½ per cent. There is a general impression prevailing that the Government is opposed to the exportation of cotton, and it is believed that at the next session of Congress the exportation will be prohibited by law. Among other mischievous results that, in our opinion, must infallibly flow from the adoption of this policy is a rapid and extravagant advance in the price of foreign exchange or, what is the same, a rapid depreciation of the currency of the country. We cannot refrain from expressing an earnest hope that the Government will rather encourage than forbid the sale and exportation of this great staple and chief source of national wealth and strength.

Yours, with great respect,

JNO. FRASER & CO.

CHARLESTON, *September 30, 1861.*

Hon. J. P. BENJAMIN,
Acting Secretary of War, Richmond:

DEAR SIR: We had the honor of writing you this morning and have since received your letter of the 27th in relation to the steamer Bermuda. We had requested Mr. Hanckel to say that we would with great alacrity place her at the disposal of the Government if she

could be made useful. We now think, however, that the best course has been adopted in referring the matter to Captain Huse, who is in close and confidential relations with our Liverpool friends. Nothing will be left undone on their part or ours to promote the measures of the Government, and we beg you at all times to command our services freely.

Yours, with great respect,

JNO. FRASER & CO.

RICHMOND, *September 30, 1861.*

Governor JOSEPH E. BROWN,
Atlanta, Ga.:

Being in urgent need of engines and cars, I instructed the Quartermaster-General to impress a certain number of them on the Western and Atlantic Railroad, paying a fair value, if the owners would not sell or lease them. I did not know that the road belonged to the State of Georgia when I gave these orders. I have, of course, revoked them, but I appeal to you for aid. Without some additional rolling-stock on the Virginia and East Tennessee road it is utterly impossible to transport the troops and supplies required for public defense. If you will let me have them I will allow any reasonable recompense that Georgia demands.

J. P. BENJAMIN,
Acting Secretary of War.

ATLANTA, *October 1, 1861.*

Hon. J. P. BENJAMIN,
Acting Secretary of War:

Will write you fully our embarrassed condition about engines and cars. I think you could get them from the Central Railroad at Savannah, from the South Carolina Railroad at Charleston, or from the Memphis and Charleston.

JOSEPH E. BROWN.

[OCTOBER 1, 1861.—For A. S. Johnston to Pettus, in relation to Johnston's call for troops, see Series I, Vol. IV, p. 434.]

HEADQUARTERS SOUTH CAROLINA,
October 1, 1861.

Hon. J. P. BENJAMIN,
Acting Secretary of War:

SIR: I have now recently mustered into Confederate service for and during the continuance of the war 4,400 men in accordance with requisitions made by your Department, and it was distinctly stated by the then Secretary of War that in mustering in these men their being armed was not a "prerequisite," but it would be preferred that they should be armed. I was led to believe that by this time the Confederate Government would have armed them. They are now actually needed on our sea-coast, for we may expect an attack at any point. Under these circumstances I most respectfully urge that those

men mustered into service should be first supplied with arms before privileges should be granted to other gentlemen with special commissions to raise men and regiments and arms given out to them in advance before a single company is organized, much less mustered into service. If this system is pursued it will discourage all legal organizations, and the Government will have to support the expense of unarmed regiments already mustered into service, while individuals will hold arms to be used upon the uncertain contingency of raising regiments. I sent in the spring to Florida 6,000 muskets, 1,000 to Tennessee, and 1,000 to Lynchburg, Va., besides ammunition of all kinds to different States. I also sent cannon of large caliber to North Carolina, with 25,000 pounds of powder, shell, &c., at the request of the Governor of that State. I also sent early in the spring, at the request of the mayor of Memphis, cannon to Tennessee, with artillery officers and ammunition, and had them placed in battery on the river above Memphis. I only mention these things because I expected to be able to supply arms besides to our own troops; but I have sent about 12,000 arms into Virginia with our different regiments, and am now compelled to arm our reserves of State troops along our coast with 5,000 stand, besides including our regular enlisted troops and ten regiments now on active duty—camp and garrison—in all 15,000 more. I am now endeavoring to call in all the old arms in the State belonging to disorganized companies, so as to have them repaired and made fit for active service. I hope in this way perhaps to be able to put some kind of arms into the hands of most of the companies recently mustered into Confederate service in this State. I fear that I will not be able, however, to furnish for the last thousand. I mention these things freely to you, because it will be absolutely necessary now to retain four of these recent regiments in this State for the winter, unless all indications of invasion on our coast shall pass off. I would therefore be very glad if you would give me the assurance that I shall be allowed to retain these four regiments I am now arming and equipping in the State, unless you can certainly furnish me with arms for others I can call out. Be so kind as to answer me on this point.

I would further call your attention to the important fact that our regiments in Virginia are only for twelve months and their terms will expire in the spring. So, too, of the regular enlisted forces of this State now on garrison duty on our coast. Their terms will expire early in the spring. They have been transferred to Confederate service, and I suppose perhaps the best battalion of artillery in the Confederate service is included among these troops. The fact is that some such force is absolutely essential to the large fortifications in our harbor and on our coast, as volunteers are unfit for that kind of duty. If it is not in your power to re-enlist these men for the war, and you give me any assurance that, if I get the Legislature to authorize me to re-enlist them, you will receive them from my hands into Confederate service, or rather merely continue them in their present service, I will attend to it particularly at the next meeting of our Legislature, which will be early in November. I incurred already large expenses for this recruiting service, which of course have never entered into the accounts against the Confederate Government, and I am willing to encounter any reasonable expense again if you will only give me the assurance that these forces will be continued as they now are, or if you think proper to issue orders to General Ripley to re-enlist them,

I have no doubt that it can be done. I think also that some arrangement had better be made by which the regiments now for twelve months only in Virginia shall be revolunteered before they are disbanded, and in any reasonable measure having this for an object I shall be glad to aid and co-operate with you. Be so good as to let me hear from you on these last two points in time to mature plans for the consideration of the Legislature, which meets on the first Monday in November next.

Very respectfully, your obedient servant,

F. W. PICKENS.

STAUNTON, *October 1, 1861.*

Hon. J. P. BENJAMIN,
Attorney-General:

DEAR SIR: Some bold and daring spirits on our western border are anxious to have license or authority from the Government in the form of letters of marque and reprisal, or some other legal form, to attack the enemy's trade and commerce on the Ohio River without hazard from civil or criminal process if captured. A gentleman now in my office, Mr. James A. Crawford, who has had already some daring adventures on the borders, is anxious to procure some such authorization from the Government if the law will allow it. Of course so long as the enemy hold the control of the river and its tributaries it would be impossible to bring the vessels he might capture into a friendly port. His plan would be to bring off as much property as could be wagoned away, and have it libeled in the nearest Confederate court. I cannot advise Mr. Crawford as to the legal feasibility of his project. May I request you to say in brief whether the Government could give Mr. Crawford any authority, as though he were on the high seas, to attack, under its protection, the enemy's commerce in the Ohio River, and what proceedings would be required on his part in respect to property so captured. He can enlist a company of twenty-five to fifty bold men in his command who, he thinks, may do some effective service. I trust you will pardon the request I make for the sake of the motives which dictate it, which are damage to our foes, safety to our friends.

Truly, &c.,

HUGH W. SHEFFEY,
Attorney at Law.

ARTICLES OF A CONVENTION entered into and concluded at Park Hill, in the Cherokee Nation, on the second day of October, A. D. one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their commissioner, with full powers, appointed by the President, by virtue of an act of the Congress in that behalf, of the one part, and the Great Osage tribe of Indians, by its chiefs and headmen, who have signed these articles, of the other part.

ARTICLE I. The Great Osage tribe of Indians and all the persons thereof do hereby place themselves under the laws and protection of the Confederate States of America, in peace and war, forever, and agree to be true and loyal to them under all circumstances.

ART. II. The Confederate States of America do hereby promise and firmly engage themselves to be, during all time, the friends and protectors of the Great Osage tribe of Indians, and to defend and secure them in the enjoyment of all their rights; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State or person whatever.

ART. III. The Confederate States of America do hereby assure and guarantee to the Great and Little Osage tribes of Indians the exclusive and undisturbed possession, use, and occupancy during all time, as long as grass shall grow and water run, of the country heretofore secured to them by treaty with the United States of America, and which is described in the treaty of the second day of June, A. D. one thousand eight hundred and twenty-five, as being thus bounded, that is to say: Beginning at a point due east of White Hair's Village, and twenty-five miles west of the western boundary-line of the State of Missouri, fronting on a north and south line, so as to leave ten miles north and forty miles south of the point of said beginning, and extending west, with the width of fifty miles, to the western boundary of the lands ceded and relinquished by said nations by that treaty, which lands shall not be sold or ceded by the said tribes, nor shall any part thereof, to any nation or people, except to the Confederate States, or to any individuals whatever; and the same shall vest in the Confederate States in case the said tribes become extinct or abandon the same.

ART. IV. The right is hereby reserved to the Confederate States to select, in any unoccupied part of said country, a tract of two sections of land, as a reserve and site for an agency for the said tribes, which shall revert to the said tribes whenever it shall cease to be occupied for an agency.

ART. V. The Confederate States shall have the right to establish in the said country such forts and military posts as they may deem necessary, and shall have the right to select for each such fort or post a tract of land one mile square, on which such fort or post shall be established: *Provided*, That if any person or persons have any improvements on any tract so selected, the value of such improvements shall be paid by the Government to the owner thereof.

ART. VI. No person whatever shall be permitted to settle or reside upon the agency reserve when it shall have been selected, except by the permission of the agent; nor upon any reserve for a fort or military post, except by the permission of the commanding officer; and every such reserve, for the agency or the forts or military posts, shall be within the sole and exclusive jurisdiction of the Confederate States.

ART. VII. The Confederate States shall forever have the right of free navigation of all navigable streams and water-courses within or running through the country hereby assured and guaranteed to said tribes.

ART. VIII. The Confederate States hereby guarantee that the country hereby secured to said Great and Little Osage tribes shall never be included within the bounds of any State or Territory, nor shall any of the laws of any State or Territory ever be extended over or put in force within any part of the said country; and the President of the Confederate States will cause the said tribes to be protected against all molestation or disturbance at the hands of any other tribe or nation of Indians, or of any other person whatever; and he shall have the same care and superintendence over them as was heretofore had by the President of the United States.

ART. IX. The members of the said Great and Little Osage tribes of Indians shall have the right henceforward of hunting and killing game in all the unoccupied country west of the possessions of the Cherokees, Seminoles, Choctaws, and Chickasaws, without molestation from any quarter, being, while so engaged therein, under the protection of the Confederate States.

ART. X. There shall be perpetual peace and brotherhood between the Great and Little Osage tribes of Indians and the Cherokees, Mus-ko-kis, Seminoles, Choctaws, and Chickasaws, and the bands of Wichitas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ki-chais, Ai-o-nais, Shawnees, and Delawares living in the country leased from the Choctaws and Chickasaws, and the Pen-e-tegh-ca, No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca, and Co-cho-tih-ca bands of the Ne-um or Comanches; and every injury or act of hostility which either has heretofore sustained or met with at the hands of the other shall be forgiven and forgotten.

ART. XI. The Great and Little Osage tribes of Indians and the said several other nations, tribes, and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by the said Great Osage tribe, as has already been agreed by all the others except the Little Osage tribe, that the horses, cattle, and other stock and property of each nation, tribe, or band, and of every person of each, is his or its own; and that no person belonging to the Great Osage tribe shall, or will hereafter, kill, take away, or injure any such property of another tribe or band, or of any member of any other tribe or band, or in any other way do them any harm.

ART. XII. Especially there shall be perpetual peace and friendship between said Great Osage tribe and the Cherokees, Mus-ko-kis, Seminoles, Choctaws, and Chickasaws, and the chiefs and headmen of the said Great Osage tribe shall do all in their power to take and restore any negroes, horses, or other property stolen from white men, or from persons belonging to either of said five nations, and to catch and give up any person among them who may kill or steal, or do any other evil act.

ART. XIII. In order that the friendship now established between the said Great Osage tribe of Indians and the Confederate States and the other Indian nations, tribes, and bands aforesaid, may not be interrupted by the misconduct of individuals, or bands of individuals, it is hereby agreed that for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof complaint shall be made by the said Great Osage tribe of Indians, when any individual thereof is injured, to the agent of the Confederate States for the Osages and other tribes, who shall investigate the complaint, and, if he finds it well founded, shall report the same to the superintendent, who will cause the wrong to be redressed, and the person or persons doing the wrong to be arrested, whether he be a white man or an Indian; and he or they shall be tried for the same agreeably to the laws of the Confederate States or of the State or Territory against which he may have offended, and be punished in the same manner and with the same severity as if the injury had been done to a white man. And it is also agreed that if any member of the Great Osage tribe shall do any injury to the person or property of any white man or of a member of any other Indian nation or tribe under the protection of the Confederate States, the offender shall be given up to the agent, upon complaint made to him and on his demand, the wrong shall be redressed by him, and the offender be tried for the offense agreeably to the laws of the Confederate States, or of the State, Territory, or nation against which he may have offended: *Provided*, That he shall be punished in no other manner nor with any greater severity than a citizen of the Confederate States, or of such State, Territory, or nation would be, if he had committed the same offense.

ART. XIV. It is hereby further agreed that the chiefs of the Great Osage tribe shall use every exertion in their power to recover any horses or other property that may be stolen from any citizen of the Confederate States or from any member of any other Indian tribe under the protection of the Confederate States by any person or persons whatever, and found within the limits of their country; and the property so recovered shall be forthwith delivered to the owner or to the agent to be restored to him. If in any case the right to the property claimed is contested by the person in possession, the agent shall summarily investigate the case, and upon hearing the testimony of witnesses, shall decide the right to the property, and order it to be retained or delivered up accordingly. Either party may appeal from his decision to the superintendent, whose decision shall be final in all cases, the property, in the meantime, remaining in the custody of the agent. If in any case the exertions of the chiefs to cause the restoration of stolen property prove ineffectual, and the agent is satisfied from the testimony that it was actually stolen, or received with knowledge of its being stolen, by any person belonging to the Great Osage tribe, he shall so report to the superintendent, with a copy of the testimony; which shall for that purpose be always reduced to writing; and the superintendent shall, if satisfied from the testimony, deduct from the annuity of the tribe a sum equal to the value of the property stolen.

ART. XV. The Confederate States hereby guarantee full and fair payment to the owner of the actual and full value of all horses and other property stolen from any person or persons belonging to the Great Osage tribe, by any citizen of the Confederate States, or by any Indian of any other nation or tribe under their protection, in case the same cannot be recovered and restored, and upon sufficient proof being made before the superintendent or any agent of the Confederate States for any of such nations or tribes that such property was actually stolen by a citizen or citizens of the Confederate States, or by an Indian or Indians of any nation or tribe under their protection.

ART. XVI. An agent for the Great and Little Osage tribes, the Quapaws, Senecas, and Senecas and Shawnees shall be appointed by the President, and an interpreter for the Great and Little tribes of Osages, for their protection and that their complaints may be heard by and their wants made known to the President. The agent shall reside continually in the country of one or the other of said tribes or bands, and the interpreter shall reside among either the Great or Little Osages; and neither of them shall ever be absent from their posts, except by the permission of the superintendent.

ART. XVII. None of the braves of the Great Osage tribe shall go upon the warpath, against any enemy whatever, except with the consent of the agent, or unless it be to pursue hostile bands of white men or Indians entering their country and committing murder, robbery, or other outrage when immediate pursuit is necessary; nor shall hold any talks or councils with any white men or Indians without his knowledge and consent. And they especially agree to attend no councils or talks in the country of any people, or with the officers or agents of any people, with whom the Confederate States are at war; and in case they do so, all the benefits secured to them by this treaty shall immediately and forever cease.

ART. XVIII. The Confederate States will not permit any improper persons to reside or be in the Great or Little Osage country, but only such persons as are employed by them, their officers or agents, and

traders licensed by them, who shall sell to the Osages and buy from them, at fair prices, under such regulations as the President shall make from time to time.

ART. XIX. To steal a horse or any other article of property from a white man or an Indian not at war with the Confederate States shall always be regarded as disgraceful, and the chiefs of the Osages will discountenance and prevent it by every means in their power. For if they should not there never could be any permanent peace.

ART. XX. The Confederate States wish the Osages to settle upon and cultivate their land, build houses, and dig wells, and by industry become enabled to support themselves; and in order to encourage and assist them, and because of the chattels and articles promised to the Great Osages and Little Osages by the treaty of the eleventh day of January, A. D. one thousand eight hundred and thirty-nine, a considerable portion never was furnished them, to wit, 1,200 hogs, 700 plows, 700 sets of horse gear, 800 axes, and 800 hoes, the Confederate States agree to give them 1,200 breeding hogs, 50 yoke of oxen with ox wagons, horse gear, plows, yokes, axes, spades and hoes, and other useful implements, to the value of $15,000, at the first cost in the place in the Confederate States where the same shall be purchased; of which stock 900 hogs, 40 yoke of oxen, and such implements as aforesaid to the value of $11,000 shall be given to the Great Osages, and the residue to the Little Osages if they unite in this treaty. But such stock and implements shall only be issued from time to time, and to such persons as shall be reported by the agent to the superintendent to be engaged or ready to engage in farming, and who will take care of and profitably use the same, and be benefited by them, and not sell, waste, or destroy the same; upon which reports and so only, the superintendent shall cause the issue to such persons only of so much of said stock and so many of said implements as he would be entitled to upon a distribution of all per capita; and it shall be the duty of the chiefs and of the agent to see that what is so issued is not destroyed or wasted; and if waste or destruction can in no otherwise be prevented, to reclaim the same and issue them elsewhere.

ART. XXI. The Confederate States also agree to build and put in running order a grist and saw mill, at some suitable point in the Osage country, and to employ a miller for each mill for the term of nine years from the date of this treaty, and an assistant to each for the same time; the latter to be selected from the Osage Nation, and each of them to receive $225 per annum as his compensation; and each miller shall be furnished with a dwelling-house; this article being agreed to by the Confederate States because the mill erected by the United States, under the treaty of the year one thousand eight hundred and thirty-nine, was burned down after being in operation only six years.

ART. XXII. The Confederate States also agree that the agent for the Osages shall be authorized to employ, for and during the term of ten years from the day of the signing of this treaty, ten agricultural and other laborers, to assist the Great and Little Osages in opening and preparing for cultivation their fields, and building their houses, who shall be, at all times, under the control and direction of the agent.

ART. XXIII. For the same purpose, the Confederate States will also provide, furnish, and support for and during the term of twenty years from the date of this treaty, for the Great Osages upon and after the ratification of this treaty, and for the Little Osages when they shall become parties to this treaty, to each a blacksmith and an assistant, who shall be one of their own people, and for each, annually, a suffi-

cient supply of coal, with 500 pounds of iron and 60 pounds of steel to the blacksmith for the Great Osages, and 250 pounds of iron and 25 pounds of steel to the blacksmith for the Little Osages, that their farming utensils, tools, and arms may be seasonably repaired; and also one wagon-maker for each; and will furnish each smith and wagon-maker with the necessary tools and with a shop, and the wagon-maker with the necessary wood and other materials from time to time.

ART. XXIV. The Confederate States will also furnish, at proper places, the Great and Little Osages with such medicines as may be necessary, and will employ a physician for each, who shall reside among them during the pleasure of the President.

ART. XXV. The Confederate States also agree to furnish each warrior of said Great Osage tribe, who has not a gun, with a good rifle and a supply of powder and lead and percussion-caps or flints as soon as it may be found practicable. The arms and ammunition are never to be given away, sold, or exchanged, and the chiefs will punish any one who so disposes of either; and the Confederate States will severely punish any trader or other white man who may purchase either from them.

ART. XXVI. No State or Territory shall ever pass laws for the government of the Osage people; and except so far as the laws of the Confederate States are in force in their country, they shall be left free to govern themselves, and to punish offenses committed by one of themselves against the person or property of another: *Provided*, That if one of them kills another without good cause or justification, he shall suffer death, but only by the sentence of the chiefs, and after a fair trial, all private revenge being strictly forbidden.

ART. XXVII. Every white man who marries a woman of the Osages, and resides in the Osage country, shall be deemed and taken, even after the death of his wife, to be an Osage and a member of the tribe in which he resides, so far as to be subject to the laws of the tribe in respect to all offenses committed in its country against the person or property of another member of the tribe, and as not to be considered a white man committing such offenses against the person or property of an Indian, within the meaning of the acts of the Congress of the Confederate States. And all negroes and mulattoes, bond or free, committing any such offense in said country shall, in like manner, be subject to the laws of the tribe.

ART. XXVIII. The Confederate States shall have the right to establish, open, and maintain such military and other roads through any part of the Osage country as the President may deem necessary, without making any compensation for the right of way, or for the land, timber, or stone used in constructing the same; but if any other property of the tribe, or any other property or the improvements of an individual, be used or injured therein, just and adequate compensation shall be made.

ART. XXIX. The Confederate States may grant the right of way for any railroad through any part of the said country; but the company to which any such right may be granted shall pay the tribe therefor such sum as shall, in the opinion of the President, be its fair value; and shall also pay to individuals all damages done by the building of said road to their improvements or other property to such amount in each case as commissioners appointed by the President shall determine.

ART. XXX. The agent of the Confederate States for the Osages and other bands shall prevent all intrusions by hunters and others upon

the lands of the Osages, and permit no white men or other Indians to settle thereon, and shall remove all such persons, calling, if necessary, upon the military power for aid; and the commanders of military posts in that country shall be required to afford him such aid upon his requisition.

ART. XXXI. If any trader or other person should purchase from any Osage any of the cattle or other chattels or articles given him by the Confederate States, he shall be severely punished.

ART. XXXII. The Great and Little Osages may allow persons of any other tribe of Indians to settle among them, and may receive from them, for their own benefit, compensation for such lands as they may sell or assign to such persons.

ART. XXXIII. No citizen or inhabitant of the Confederate States or member of any friendly nation or tribe of Indians shall pasture stock on the lands of the Osages; but all such persons shall have full liberty, at all times, and whether for business or pleasure, peaceably to travel in their country, on the roads or elsewhere, to drive their stock through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose and for no other.

ART. XXXIV. Any person duly charged with a criminal offense against the laws of the Confederate States, or of any State or Territory, or of any Indian nation or tribe under the protection of the Confederate States, escaping into the Osage country, shall be promptly taken and delivered up by the chiefs of the Osages on the demand of the proper authority of the Confederate States, or of the State, Territory, nation, or tribe within whose jurisdiction the offense shall be alleged to have been committed.

ART. XXXV. In addition to the laws of the Confederate States expressly applying to the Indian country, so much of their laws as provides for the punishment of crimes amounting to felony at common law or by statute against their laws, authority, or treaties, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or any other current coin, or the securities of the Confederate States, or the uttering of such counterfeit coin or securities; and so much of said laws as provides for punishing violations of the neutrality laws, and resistance to the process of the Confederate States; and all the acts of the Provisional Congress providing for the common defense and welfare, so far as the same are not locally inapplicable; and the laws providing for the capture and delivery of fugitive slaves shall be in force in the Osage country; and the district court for the Chalahki district, when established, shall have exclusive jurisdiction to try, condemn, and punish offenders against those laws, to adjudge and pronounce sentence, and cause execution thereof to be done.

ART. XXXVI. Whenever any person who is a member of the Great or Little Osage tribe shall be indicted for any offense in any court of the Confederate States, or in a State court, he shall be entitled as of common right to subpœna, and, if necessary, to compulsory process for all such witnesses in his behalf as his counsel may think material for his defense; and the costs of process for such witnesses, and of the service thereof, and fees and mileage of such witnesses shall be paid by the Confederate States; and whenever the accused is not able to employ counsel the court shall assign him one experienced counsel for his defense, who shall be paid by the Confederate States a reason-

able compensation for his services, to be fixed by the court and paid upon the certificate of the judge.

ART. XXXVII. It is hereby declared and agreed that the institution of slavery in the said Great and Little Osage tribes is legal, and has existed from time immemorial; that slaves are personal property; that the title to slaves and other property having its origin in the said tribes is to be determined by the laws and customs thereof; and that the slaves and personal property of every person domiciled in the country of the said tribes shall pass and be distributed at his or her death in accordance with the laws, usages, and customs of the said tribes, which may be proved by oral evidence, and shall everywhere be held valid and binding within the scope of their operations. And if any slaves escape from any of said tribes, the laws of the Confederate States for the capture and delivery of fugitive slaves shall apply to such cases, whether they escape into a State or Territory or into any Indian nation or tribe under the protection of the Confederate States; the obligation upon each such State, Territory, nation, or tribe to deliver up the same being in every case as complete as if they had escaped from a State, and the mode of procedure the same.

ART. XXXVIII. The Great Osage tribe of Indians hereby makes itself a party to the existing war between the Confederate States and the United States of America as the ally and ward of the former; and, in consideration of the protection guaranteed by this treaty and of their common interests, hereby agrees to raise and furnish, whenever they shall be called on, a force of 500 men for the service of the Confederate States, or any less number, who shall receive the same pay and allowances as other troops of the same class in that service, and remain in the service as long as the President shall require; and also to furnish any number of young men for scouts and runners required by any general or other commanding officer of the Confederate States in the Indian country, who shall receive such compensation as such officer shall fix.

ART. XXXIX. In consideration of the loyalty of the Great Osage tribe and of their readiness to place themselves under the protection of the Confederate States, and of their poverty, and of the great losses in horses and other property sustained by them at the hands of lawless persons for many years, the Confederate States do hereby agree to expend for the benefit of the Great and Little Osage tribes, for the full term of twenty years from the date of this treaty, the sum of $15,000 annually, of which sum $5,000 per annum shall be added to the interest on the school fund of the nation, hereinafter provided for, and $10,000 shall be divided fairly in each year, after the Little Osage tribe shall have united in this convention, between the two tribes in proportion to the number of souls in each; and the said sum of $10,000 shall, in each year, be applied by the superintendent to the purchase of such articles of clothing, household utensils, blankets, and other articles as shall tend to the comfort of the Osages and encourage them in their endeavors to improve, and which articles the agent shall distribute among them in the same manner and nearly as possible as money would be distributed per capita: *Provided*, That in the distribution any person may be excluded by him if reported by the chiefs to be worthless, idle, or dissolute, or a bad and mischievous person, and that he may do the same upon his own knowledge, taking care, as far as may be, that only the good and worthy shall be the recipients of the bounty of the Government of the Confederate States.

ART. XL. It is hereby agreed and ascertained that by the sixth article of the treaty with the Great and Little Osages, of the second

day of June, A. D. one thousand eight hundred and twenty-five, it was agreed that from the lands ceded and relinquished by the Osages by that treaty a reservation should be made of fifty-four tracts of land of a mile square each, to be laid off under the direction of the President of the United States and sold for the purpose of raising a fund to be applied to the support of schools for the education of the Osage children, in such manner as the President might deem advisable for the attainment of that end; that fifty-four sections of land were accordingly selected and afterward sold, and the proceeds of the same amounted to $31,724.02, which sum remains invested as follows, that is to say:

In 6 per cent. stock of the State of Missouri, $7,000;

In United States 6 per cent. loan of 1842, $24,679.56;

And in United States 6 per cent. loan of 1847, $44.46;

And as it will be useless for the Osages hereafter to expect anything from the justice of the United States, and the Confederate States do not desire that they should hereafter look to that quarter for any moneys, it is therefore further hereby agreed that the Confederate States will hereafter pay, annually, on the first day of January in each year, perpetually, commencing with the year one thousand eight hundred and sixty-two, for the benefit of the Great and Little Osage tribes, the sum of $1,903.44, being the annual interest on said sums of money so as aforesaid in U. S. stocks and stocks of the State of Missouri, at the rate of 6 per cent. per annum, and will look to the State of Missouri for the payment of the principal and interest of said sum of $7,000, as invested in stocks of that State, to which sum shall be annually added, on the same day, commencing with the same year, the sum of $5,000, part of the annuity provided for in the thirty-ninth article of this treaty, and the whole shall be applied by the agent to the support and maintenance of the Osage manual-labor school, now in operation at the mission on the Neosho River, as the said interest has heretofore been applied.

ART. XLI. A tract of land of the quantity of two sections, or two tracts of one section each, to be selected by the agent of the Confederate States for the Osages and other tribes, and in which or one of which the present site of the mission and its buildings is to be included, is hereby forever dedicated to the use of the Osage manual-labor school, to be under the exclusive control of those who have charge of that institution, and for its exclusive use; and not to be sold or disposed of, or applied to any other use or purpose whatsoever.

ART. XLII. All just claims and demands against the United States, of the Great Osage tribe, or of any individual or individuals thereof, not herein specified, arising or due under former treaties with the United States, are hereby assumed, and shall, after the restoration of peace, be investigated by the President, and, so far as they are found to be just, shall be paid in full by the Confederate States; and all provisions of the several treaties with the United States, made by the Osages, under which any rights or privileges were secured or guaranteed to the Great Osage tribe, or to any individual or individuals of the same, and the place whereof is not supplied by any provision of this treaty, and the same not being obsolete or no longer necessary, and so far as they are not annulled, repealed, changed, or modified by subsequent treaties or statutes, or are not so by this treaty, are hereby continued in force as if the same had been made with the Confederate States.

ART. XLIII. A general amnesty of all past offenses against the laws of the United States or of the Confederate States, committed before the signing of this treaty, by any member of the Great Osage tribe, as such membership is defined by this treaty, is hereby declared; and all such persons, if any, charged with any such offense shall receive from the President full and free pardon, and if imprisoned or held to bail, before or after conviction, shall be discharged.

ART. XLIV. The Confederate States of America hereby tender to the Little Osage tribe the same protection and guaranties as are hereby extended and given to the Great Osage tribe, and the other benefits offered them specifically by this treaty; and if the said Little Osage tribe shall give no aid to the enemies of the Confederate States, and shall, within one year from the day of the signing of this treaty, enter into a convention whereby they shall unite in this treaty and accept and agree to all the terms and conditions of the same, then it shall, to all intents and purposes, be regarded as having been made with them originally, and they be deemed and taken to be parties thereto, as if they were now to sign the same.

ART. XLV. This convention shall be obligatory on the Great Osage tribe of Indians from the day of its date, and on the Confederate States from and after its ratification by the Senate or Provisional Congress.

In perpetual testimony whereof the said Albert Pike, as commissioner with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms; and the undersigned, chiefs and headmen of the Great Osage tribe of Indians, do hereunto set their hands and affix their seals.

This done in duplicate at the place and upon the day in the month and year first aforesaid.

[SEAL.]

ALBERT PIKE,
Commissioner of the Confederate States to the Indian Nations West of Arkansas.

Ka-hi-ke-tung-ka, chief of Clermont's band Great Osages; Pa-hiu-ska, chief of White Hair's band; Chi-sho-hung-ka, chief of Big Hill band; Shon-tas-sap-pe, or Black Dog, chief of Black Dog's band; Sha-pe-shing-ka, or Beaver, second chief of White Hair's band; Wash-ka-che, second chief of Clermont's band; Ta-wan-che-he, or Tall Chief, second chief of Big Hill band; Wa-ho Pek-eh, second chief of Black Dog's band; Wa-ta-en-ka, or Dry Feather, councilor of Clermont's band; Kan-se-ka-hri, councilor of Big Hill band; Ka-hi-ke Wa-ta-en-ka, Ka-hi-ke Shing-ka, Chi-sho-wa-ta-eng-ka, E-e-shi-ka-hri, Sho-meh-kas-si, Ni-ih-ka-ki-pa-na, Sa-peh-ku-yeh, Wah-kan-ta-chi-leh, Wa-sha-shi Wa-sha-on-chi, O-shang-ke-tung-ka, Wa-a-han-na, Ha-ka-she, Wa-no-pah-she, Shing-kaka-hu-ke, Wa-che-wa-he, Na-hin-ta-pi, Ah-kih-ta-tung-ka, Ni-ka-ka-hri, Sha-a Ke-to-pa, To-ti-na-he, O-lo-ing Ka-shi, Ka-wa-si, Wa-hu-nomp-i, Wa-ak-an-chi-le, O-ki-pa-hra, Tre-nom-pa-shi, A-ki-ko-sha, Wa-to-ki-ka, I-ka-sha-pe, A-no-hra-pi, Min-che-eh-na, Wa-che-na-shi, Ma-hing-ka-he, Tan-wa-shing-ka, Miink-shes-ka, To-ta-na-she, Ka-wa-ka-hii-ki, Mu-ka-ke-shing-ka, Gesso Choutau, Augustus Captain, Louis P. Chouteau, Che-e-se-tung-ka, Wa-ta-sho-we.

Signed, sealed, and delivered in the presence of us.

Wm. Quesenbury, secretary to the commissioner; E. Rector, Superintendent of Indian Affairs, Confederate States, Andrew J. Dorn, agent for Osages and other tribes, Confederate States; Louis P. Chouteau, C. S. interpreter for Osages; John Drew, George M. Murrell, J. W. Washbourne, W. Warren Johnson.

(To the Indian names are subjoined marks.)

RATIFICATION.

Resolved (*two-thirds of the Congress concurring*), That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Great Osage tribe of Indians, by its chiefs and headmen, who signed the same articles, of the other part, concluded at Park Hill, in the Cherokee Nation, on the second day of October, A. D. one thousand eight hundred and sixty-one, with the following amendment:

In Article XXXVI, at the end of the words "or in a State court," insert the following words, "subject to the laws of the State."

[OCTOBER 2, 1861.—For Milton to Mallory, in regard to military affairs in Florida, see Series I, Vol. VI, p. 287.]

ATLANTA, *October 2, 1861.*

Hon. J. P. BENJAMIN,

Secretary of War, Richmond, Va.:

DEAR SIR: In response to your telegram of yesterday [September 30] I said that I would reply by letter. We have let the East Tennessee roads have the use of our cars and engines this summer, and they have abused and broken them till we shall be very hard pressed for motive power and rolling-stock to do our winter's business. If we could get material for the repair of our engines it would be possible for us to repair them and still accommodate, but much of the material necessary cannot be had in the Confederacy. If we let our engines and cars go for further use off our road we shall very soon be obliged to suspend our own business. We now have three or four of our engines in the shop badly broken up by them, and we lack material to repair. Some fifty or more of our cars are in like broken and injured condition. I regret very much that we are not in condition to accommodate, but I do not see how it is possible without endangering the success of our own road and business. I am informed that the South Carolina road, the Central road at Savannah, the Georgia road at Augusta, the Memphis and Charleston at Memphis, and the New Orleans and Jackson, all have surplus cars and engines. We have kept up the transportation for the Government over the line during the summer, and have suffered severely by it. I now ask that you call on some other of the roads to do their part. Any and all freights sent over the Southern route will

be promptly shipped to the extent of our capacity, and would reach Richmond as cheaply and more promptly than they do over the East Tennessee route.

I am, very truly, &c.,

JOSEPH E. BROWN.

ARTICLES OF A CONVENTION entered into and concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, A. D. one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their commissioner, with full powers, appointed by the President, by virtue of an act of Congress in that behalf, and the Seneca tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees, each tribe for itself by its chiefs and warriors, who have signed these articles, of the other part.

ARTICLE I. The Seneca tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees, and all the persons of each, do hereby place themselves under the laws and protection of the Confederate States of America, in peace and war forever, and agree to be true and loyal to them under all circumstances.

ART. II. The Confederate States of America do hereby promise and firmly engage themselves to be, during all time, the friends and protectors of the Seneca tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees, and to secure and defend them in the enjoyment of all their rights, possessions, and property; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State, or person whatever.

ART. III. The Confederate States of America do hereby assure and guarantee to the Seneca tribe aforesaid, and to the Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees, in case the Senecas thereof should hereafter unite in this treaty, by a convention for that purpose made and concluded, or to the Shawnees thereof aforesaid alone, in case the said Senecas thereof should refuse so to unite herein, to each tribe or band, respectively, the title in fee simple, as long as each, respectively, shall exist as a nation and remain thereon, and the exclusive possession and undisturbed use, occupancy, and enjoyment, as long as grass shall grow and water run, of the country heretofore secured to each, respectively, by treaties with and patents from the United States of America, and which countries are thus described and ascertained, that is to say:

By the treaty with the Senecas of Sandusky made and concluded on the twenty-eighth day of February, A. D. one thousand eight hundred and thirty-one, a country was ceded and granted to that tribe, therein described as "a tract of land situate on and adjacent to the northern boundary of the lands heretofore granted to the Cherokee Nation of Indians, and adjoining the boundary of the State of Missouri, which tract shall extend fifteen miles from east to west, and seven miles from north to south, containing about 67,000 acres, be the same more or less."

By the treaty made and concluded with the mixed bands of Seneca and Shawnee Indians residing at and around Lewistown, on the twentieth day of July, in the same year, a country was ceded and granted to these bands therein described as "a tract of land to contain 60,000 acres, to be located under the direction of the President of the United States, contiguous to the lands granted to the Senecas of Sandusky by the treaty made with them at the city of Washington, on the twenty-eighth of February, one thousand eight hundred and thirty-one, and the Cherokee settlements; the east line of said tract shall be within two miles of the west lines of the lands granted to the Senecas of Sandusky, and the south line shall be within two miles of the north line of the lands held by the Cherokees;" and by the treaty made and concluded on the twenty-ninth day of December, A. D. one thousand eight hundred and thirty-two, with the united nation or tribe of Senecas and Shawnees, by which that united tribe ceded, relinquished, and quit-claimed to the United States all their lands west of the Neosho or Grand River, the United States agreed to grant by patent, in the manner hereinafter mentioned, the country therein described as follows, that is to say: "The following tract of land lying on the east side of Neosho or Grand River, viz: Bounded on the east by the west line of the State of Missouri; south by the present established line of the Cherokee Indians; west by Neosho or Grand River, and north by a line running parallel with said south line, and extending so far from the present north line of the Seneca Indians from Sandusky as to contain 60,000 acres, exclusive of the land now owned by said Seneca Indians, which said boundaries include, however, all the land heretofore granted said Senecas of Sandusky on the east side of Grand River;" and which country included within said boundaries the United States thereby agreed to grant by two letters patent, the north half in quantity to the mixed bands of the Senecas and Shawnees of Ohio, or of Lewistown, and the south half to the Senecas from Sandusky, the whole to be occupied in common so long as the said tribes or bands should desire the same, and the grant to be in fee simple, but the lands not to be sold or ceded without the consent of the United States; which lands shall not be sold or ceded by the said tribes or bands, nor shall any part thereof, to any nation or people, except to the Confederate States, or to any individuals whatever, except as hereinafter provided; and the same shall vest in the Confederate States in case the said tribes or bands, respectively, become extinct or abandon the same.

ART. IV. The Seneca tribe of Indians aforesaid, and the Senecas and Shawnees alone, aforesaid, as the case may be, may respectively, by a majority vote of the whole people of each, respectively, receive and incorporate, each in itself, as members of the tribe, or permit to settle and reside upon the lands of the tribe, such Shawnees of Kansas, or Indians of any other tribe, in amity with the Confederate States, as to it may seem good; and may sell such Indians portions of land, in fee or by less estate, or lease them portions thereof for years or otherwise, and receive to its own use the price and consideration of such sales or leases; and it alone shall determine who are citizens of the tribe entitled to vote at elections, hold office, or share the annuities or other moneys of the tribe or in the common lands: *Provided*, That when persons of another tribe shall once have been received as members of either of said tribes, they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Senecas or Senecas and Shawnees, respectively, themselves. But no Indians of any other tribe or band than these

shall be permitted to come within their country to reside without the consent and license of the people of each tribe respectively.

ART. V. The right is hereby reserved to the Confederate States to select in any unoccupied part of the country of either of said tribes or bands, if they should desire to do so, a tract of land one mile square as a reserve and site for an agency, for the said tribes and for the Quapaws and Osages, which shall revert to the tribe in whose country it is selected, with the buildings thereon, whenever it shall cease to be occupied as an agency.

ART. VI. The Confederate States shall have the right to establish in the said country such forts and military posts as they may deem necessary, and shall have the right to select for each such fort or post a tract of land one mile square, on which such fort or post shall be established: *Provided*, That if any person have any improvements on any tract so selected, the value of such improvements shall be paid by the Government to the owner thereof.

ART. VII. No person whatever shall be permitted to settle or reside upon the agency reserve, when it shall have been selected, except by the permission of the agent, nor upon any reserve for a fort or military post, except by the permission of the commanding officer; and every such reserve, for the agency, or for forts or military posts, shall be within the sole and exclusive jurisdiction of the Confederate States.

ART. VIII. The Confederate States hereby guarantee that the country hereby secured to the said Senecas and Senecas and Shawnees shall never be included within the bounds of any State or Territory, nor shall any of the laws of any State or Territory ever be extended over or put in force within any part of the said country; and the President of the Confederate States will cause the said tribes to be protected against all molestation or disturbance at the hands of any other tribe or nation of Indians, or of any other person or persons whatever; and he shall have the same care and superintendence over them as was heretofore had by the President of the United States.

ART. IX. The members of the said Seneca tribe and the said Seneca and Shawnee mixed bands shall have the right henceforward of hunting and killing game in all the unoccupied country west of the possessions of the Cherokees, Seminoles, Choctaws, and Chickasaws, without molestation from any quarter, being while so engaged therein under the protection of the Confederate States.

ART. X. There shall be perpetual peace and brotherhood between the Seneca tribe and the Shawnees aforesaid, and the Osages, Cherokees, Mus-ko-kis, Seminoles, Choctaws, and Chickasaws, and the bands of the Wichitas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ki-chais, Ai-o-nais, Shawnees, and Delawares living in the country leased from the Choctaws, and Chickasaws, and the Pen-e-tegh-ca, No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca, and Co-cho-tih-ca bands of the Ne-um or Comanches; and every injury or act of hostility which either has heretofore sustained or met with at the hands of the other shall be forgiven and forgotten.

ART. XI. The Seneca tribe and the Shawnees aforesaid and the said several other nations, tribes, and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by the said Seneca tribe and the said Shawnees, as has already been agreed by all the others, that the horses, cattle, and other stock and property of each nation, tribe, or band, and every person of each, is his or its own; and that no person belonging to the Senecas or Shawnees aforesaid shall or will

hereafter kill, take away, or injure any such property of another tribe or band, or of any member of any other tribe or band, or in any other way do them any harm.

ART. XII. Especially there shall be perpetual peace and friendship between said Senecas and Shawnees aforesaid, and the Osages, Quapaws, Cherokees, Mus-ko-kis, Seminoles, Choctaws, and Chickasaws; and the chiefs and headmen of the said Seneca tribe and Shawnees shall do all in their power to take and restore any negroes, horses, or other property stolen from white men or from persons belonging to either of said five nations, and to catch and give up any person among them who may kill or steal or do any other evil act.

ART. XIII. In order that the friendship now established between the Seneca tribe and Shawnees, the Confederate States, and the other Indian nations, tribes, and bands aforesaid, may not be interrupted by the misconduct of individuals, or bands of individuals, it is hereby agreed that for injuries done by individuals no private revenge or retaliation shall take place, but instead thereof complaint shall be made by the said Seneca tribe and Shawnees, when any individual thereof is injured, to the agent of the Confederate States for the Osages and other tribes, who shall investigate the complaint, and if he finds it well founded shall report the same to the superintendent, who will cause the wrong to be redressed, and the person doing the wrong to be arrested, whether he be a white man or an Indian; and he or they shall be tried for the same agreeably to the laws of the Confederate States or of the State or Territory against which he may have offended, and be punished in the same manner and with the same severity as if the injury had been done to a white man. And it is also agreed that if any member of the Seneca tribe or any one of the Shawnees shall do any injury to the person or property of any white man or of a member of any other Indian nation or tribe under the protection of the Confederate States, the offender shall be given up to the agent upon complaint made to him, and on his demand, the wrong shall be redressed by him, and the offender be tried for the offense agreeably to the laws of the Confederate States or of the State, Territory, or nation against which he may have offended: *Provided*, That he shall be punished in no other manner nor with any greater severity than a citizen of the Confederate States or of such State, Territory, or nation would be if he had committed the same offense.

ART. XIV. It is hereby further agreed that the chiefs of the Senecas and of the Shawnees shall use every exertion in their power to recover any horses or other property that may be stolen from any citizen of the Confederate States or from any member of any other Indian nation or tribe under the protection of the Confederate States, by any person or persons whatever, and found within the limits of their country; and the property so recovered shall be forthwith delivered to the owner or to the agent to be restored to him. If in any case the right to the property claimed is contested by the person in possession, the agent shall summarily investigate the case, and upon hearing the testimony of witnesses, shall decide the right to the property and order it to be retained or delivered up accordingly. Either party may appeal from his decision to the superintendent, whose decision shall be final in all cases, the property in the meantime remaining in the custody of the agent. If, in any case, the exertions of the chiefs to cause the restoration of stolen property prove ineffectual and the agent is satisfied from the testimony that it was actually stolen, or received with knowledge of its being stolen, by any person belonging to

the Seneca tribe or by any one of the Shawnees, he shall so report to the superintendent, with a copy of the testimony, which shall for that purpose be always reduced to writing; and the superintendent shall, if satisfied from the testimony, deduct from the annuity of the tribe a sum equal to the value of the property stolen.

ART. XV. The Confederate States hereby guarantee full and fair payment to the owner of the actual and full value of all horses and other property stolen from any person or persons belonging to the Seneca tribe, or being of the Shawnees aforesaid, by any citizen of the Confederate States or by any Indian of any other nation or tribe under the(ir) protection, in case the same cannot be recovered and restored, and upon sufficient proof being made before the superintendent, or any agent of the Confederate States for any such nations or tribes, that such property was actually stolen by a citizen or citizens of the Confederate States or by an Indian or Indians of any nation or tribe under their protection.

ART. XVI. An agent for the Great and Little Osage tribes, the Quapaws, Senecas, and Senecas and Shawnees shall be appointed by the President, and an interpreter for the Seneca tribe and one for the Shawnees for their protection, and that their complaints may be heard by, and their wants made known to, the President. The agent shall reside continually in the country of one or the other of said tribes or bands, and the interpreter shall reside continually among the people for whom he is employed, and neither of them shall ever be absent from their posts, except by the permission of the superintendent.

ART. XVII. The Senecas and the Senecas and Shawnees shall hold no talks or councils with any white men or Indians without the knowledge and consent of the agent of the Confederate States. And they especially agree to attend no councils or talks in the country of any people or with the officers or agents of any people with whom the Confederate States are at war; and in case they do so, all the benefits secured to them by this treaty shall immediately and forever cease.

ART. XVIII. The Confederate States will not permit any improper persons to reside or to be in the country of the Senecas, or in that of the Senecas and Shawnees, but only such persons as are employed by them, their officers or agents, and traders licensed by them, who shall sell to the said Indians and buy from (them) at fair prices, under such regulations as the President shall make from time to time.

ART. XIX. No State or Territory shall ever pass laws for the government of the Seneca tribe or of the Seneca and Shawnee people; and except so far as the laws of the Confederate States are in force in their country, they shall be left free to govern themselves and to punish offenses committed by one of themselves against the person or property of another: *Provided*, That if one of them kills another without good cause or justification he shall suffer death, but only by the sentence of the chiefs, and after a fair trial, all private revenge being strictly forbidden.

ART. XX. Every white man who marries or has married a woman of the Senecas or of the Shawnees and resides in the Seneca or Seneca and Shawnee country, respectively, shall be deemed and taken, even after the death of his wife, to be a member of the tribe in which he marries or has married, so far as to be subject to its laws in respect to all offenses committed in its country against the person or property of another member of the tribe and as not to be considered

a white man committing such offense against the person or property of an Indian, within the meaning of the act of Congress of the Confederate States. And all negroes and mulattoes, bond or free, committing any such offense in said country shall, in like manner, be subject to the laws of the tribe.

ART. XXI. The Confederate States shall have the right to establish, open, and maintain such military and other roads through any part of the Seneca or Seneca and Shawnee country as the President may deem necessary, without making any compensation for the right of way, or for the land, timber, or stone used in constructing the same; but if any other property of the tribe, or any other property or the improvements of an individual be used or injured therein, just and adequate compensation shall be made.

ART. XXII. The Confederate States may grant the right of way for any railroad through any part of the Seneca or Seneca and Shawnee country; but the company to which any such right of way may be granted shall pay the tribe therefor through whose country any part of the road runs such sums as in the opinion of the President be its fair value; and shall also pay to individuals all damages done by the building of said road to their improvements or other property to such amount in each case as commissioners appointed by the President shall determine.

ART. XXIII. The agent of the Confederate States for the Osages and other tribes shall prevent all intrusions by hunters and others upon the lands of the Senecas and of the Senecas and Shawnees, and permit no white men or other Indians to settle thereon, and shall remove all such persons, calling, if necessary, upon the military power for aid; and the commanders of military posts in that or the adjoining country shall be required to afford him such aid upon his requisition.

ART. XXIV. No citizen or inhabitant of the Confederate States or member of any friendly nation or tribe of Indians shall pasture stock on the lands of the Senecas or Senecas and Shawnees; but all such persons shall have full liberty, at all times, and whether for business or pleasure, peaceably to travel in their country, on the roads or elsewhere, to drive their stock through the same and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose and for no other.

ART. XXV. Any person duly charged with a criminal offense against the laws of the Confederate States, or of any State or Territory, or of any Indian nation or tribe, under the protection of the Confederate States, escaping into the Seneca or Seneca and Shawnee country, shall be promptly taken and delivered up by the chiefs of the Senecas or Senecas and Shawnees, on the demand of the proper authority of the Confederate States, or of the State, Territory, nation, or tribe within whose jurisdiction the offense shall be alleged to have been committed.

ART. XXVI. In addition to the laws of the Confederate States, expressly applying to the Indian country, so much of their laws as provides for the punishment of crimes amounting to felony at common law, or by statute against their laws, authority, or treaties, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or any other current coin, or the securities of the Confederate States, or the uttering of such counterfeit coin or securities; and so much of said laws as provides for punishing violations of

the neutrality law, and resistance to the process of the Confederate States; and all the acts of the Provisional Congress providing for the common defense and welfare, so far as the same are not locally inapplicable; and the laws providing for the capture and delivery of fugitive slaves, shall be in force in the Seneca and the Seneca and Shawnee country; and the district court for the Chalahki district, when established, shall have exclusive jurisdiction to try, condemn, and punish offenders against those laws, to adjudge and pronounce sentence, and cause execution thereof to be done.

ART. XXVII. Whenever any person, who is a member of the Seneca or Seneca and Shawnee tribe, shall be indicted for any offense in any court of the Confederate States, or in a State court, he shall be entitled, as of common right, to subpœna, and if necessary, to compulsory process for all such witnesses in his behalf as his counsel may think material for his defense; and the costs of process for such witnesses and of the service thereof, and fees and mileage of such witnesses shall be paid by the Confederate States; and whenever the accused is not able to employ counsel the court shall assign him one experienced counsel for his defense, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court and paid upon the certificate of the judge.

ART. XXVIII. It is hereby declared and agreed that the institution of slavery in the said Seneca and Seneca and Shawnee tribes is legal, and has existed from time immemorial; that slaves are personal property; that the title to slaves and other property having its origin in either of the said tribes is to be determined by the laws and customs thereof; and that the slaves and personal property of every person domiciled in the country of either of said tribes shall pass and be distributed at his or her death in accordance with the laws, usages, and customs of the said tribes, which may be proved by oral evidence, and shall everywhere be held valid and binding within the scope of their operations. And if any slaves escape from either of the said tribes, the laws of the Confederate States for the capture and delivery of fugitive slaves shall apply to such cases, whether they escape into a State or Territory, or into any Indian nation or tribe under the protection of the Confederate States; the obligation upon each such State, Territory, nation, or tribe to deliver up the same being, in every case, as complete as if they had escaped from a State, and the mode of procedure the same.

ART. XXIX. The Seneca tribe and the Shawnees of the Seneca and Shawnee tribe hereby make themselves parties to the existing war between the Confederate States and the United States of America, as the allies and wards of the former; and, in consideration of the protection guaranteed by this treaty, and of their common interests, hereby agree to aid in defending their country against any invasion thereof by the common enemy; and it is agreed that all warriors furnished by them for the service of the Confederate States, and which shall be mustered into that service, shall receive the same pay and allowances as other troops of the same class therein, and remain in the service as long as the President shall require.

ART. XXX. It is further agreed and ascertained, by and between the Confederate States and the said Seneca tribe of Indians, formerly known as the Senecas of Sandusky, that the United States of America were, while the several States of the Confederacy were members of the same, and still remain indebted to the said Seneca tribe, and had and

still have in their hands moneys in trust for the said tribes, as follows, that is to say:

By the fourth article of the treaty made with the Wyandot, Seneca, and other tribes of Indians, on the twenty-ninth day of September, A. D. one thousand eight hundred and seventeen, the United States agreed and bound themselves to pay annually, forever, to the Seneca tribe, the sum of $500, in specie, at Lower Sandusky;

By the fourth article of the treaty made the seventeenth day of September, A. D. one thousand eight hundred and eighteen, with the Wyandot, Seneca, Shawnee, and Ottawa tribes of Indians, the United States agreed and bound themselves to pay to the Senecas of Sandusky an additional annuity of $500 forever;

By the eighth article of the treaty with the Seneca tribe of Sandusky, made on the twenty-eighth day of February, A. D. one thousand eight hundred and thirty-one, the United States agreed to sell the land thereby ceded to them by the said tribe, by that treaty; and it was that, after certain deductions therefrom to be made, as therein specified, any balance that might remain of the proceeds of sale of such lands should constitute a fund for the future exigencies of the tribe, on which the United States would pay to the chiefs of the tribe, for the use and general benefit of the tribe, annually, 5 per cent. as annuity, which sales being accordingly effected, the fund thus created amounted to $5,000, which was invested by the United States, and yet remains invested, in 5 per cent. stock of the State of Kentucky, now held by the United States.

It is further hereby agreed and ascertained, by and between the Confederate States and the Shawnees, of the said Senecas and Shawnees of Lewistown, that the United States of America were, while the several States of the Confederacy were members of the same, and still remain, indebted to the mixed bands of Senecas and Shawnees, and had and still have in their hands moneys in trust for the said tribe, as follows, that is to say:

By the fourth article of the treaty made with the Wyandot, Seneca, Shawnee, and Ottawa tribes on the seventeenth day of September, A. D. one thousand eight hundred and eighteen, the United States agreed and bound themselves to pay "to the Shawnees and to the Senecas of Lewistown" an additional annuity of $1,000 forever;

By the eighth article of the treaty made with the mixed band of Seneca and Shawnee Indians residing at and around Lewistown, in the State of Ohio, on the twentieth day of July, A. D. one thousand eight hundred and thirty-one, the United States agreed to sell the lands ceded to them by the Senecas and Shawnees by that treaty; and it was also agreed that, after certain deductions, therein provided for, any balance of the proceeds of such lands that might remain should constitute a fund for the future necessities of the tribes, on which the United States would pay the chiefs, for the use and general benefit of the said tribes, annually, 5 per cent. as an annuity, which sales being accordingly effected, the fund thus created amounted to $16,466.10, which was invested by the United States, and yet remains invested, as follows, that is to say:

Six thousand dollars in 5 per cent. stock of the State of Kentucky;
Seven thousand dollars in 5½ per cent. stock of the State of Missouri;
Three thousand dollars in 6 per cent. stock of the State of Missouri;
And $466.10 in the United States 6 per cent. loan of the year 1847;
Which stocks are held by the United States, and the annual interest thereon amounted to the sum of $892.96.

Therefore, and as the said Senecas and the Shawnees aforesaid are indigent, and have nothing to expect from the justice of the Northern States, and will be greatly distressed if the annual payments are not promptly made, and as the Confederate States do not wish them any longer to look to the Northern States or receive any moneys from them, and are willing to make the necessary advances for the States of Missouri and Kentucky:

Therefore, it is further agreed by the said Confederate States of America that they will pay annually forever, in each and every year after the day of the signing of this treaty, on the first day of January in each year, commencing with the year one thousand eight hundred and sixty-two, in money:

To the Seneca tribe, formerly known as the Senecas of Sandusky, to the chiefs, for the use and general benefit of the people, $1,250;

And to the Shawnees, of the mixed bands of the Senecas and Shawnees, formerly of Lewistown, or to the Senecas and Shawnees together when the Senecas shall have united in this treaty, but until then to the Shawnees alone, to the chiefs, for the use and general benefit of the people, $1,892.96.

And it is further agreed by the Confederate States that they will look to the States of Missouri and Kentucky for repayment of the principal and interest of the said sums so invested in their stocks.

ART. XXXI. Whereas, by the treaty made between the State of New York and the Cayuga tribe of Indians, in the month of June, A. D. one thousand eight hundred and fifty, it was agreed that the said State should pay annually thereafter forever, on the first day of June in each year, to that portion of the Cayuga tribe which resided West, the sum of $1,146, which has been regularly paid until the present year, and the check of the treasurer of the State of New York on the Commercial Bank of Albany, in that State, for the payment of the year one thousand eight hundred and sixty-one, is in the hands of Andrew J. Dorn, the agent of the Osages and other tribes; and

Whereas, the Cayugas of the West, to whom the said annuity is payable, reside among and are fully accepted as members of the Seneca tribe aforesaid, with the exception of a few who reside among the Senecas and Shawnees, and the said annuity has, therefore, been in each year, by the consent of all, distributed by the agent among all, the Senecas, formerly known as the Senecas of Sandusky, and such Cayugas as reside among the Senecas and Shawnees, and the Cayugas, as are willing it shall forever continue to be distributed; and

Whereas, by placing themselves under the protection of the Confederate States, the Senecas and Cayugas so entitled to said annuity will forfeit the same, and, in all probability, forever:

Therefore, it is hereby further agreed by the Confederate States that they will pay hereafter annually forever, on the first day of January in each year, commencing with the year one thousand eight hundred and sixty-two, to the said Seneca tribe of Indians, including the Cayugas, and to the Cayugas residing among the Senecas and Shawnees jointly, the said sum of $1,146, in money, and that if the said check should not be paid they will also pay the amount thereof, to be in like manner distributed on the first day of January, A. D. one thousand eight hundred and sixty-two: *Provided*, That if the State of New York should at any time hereafter resume the regular payment of the said annuity, then the Confederate States shall no longer, while it continues to do so, be bound to pay the same.

ART. XXXII. Inasmuch as the Seneca tribe and the Senecas and Shawnees have received among them persons of the Wyandot tribe to the number of 113, and have given them land to live on without charge, and in consideration of the loyalty of the Seneca tribe, including the Cayugas and Mohawks, who are members of the tribe of the Senecas aforesaid, and of the Wyandots who reside among them, and of their great necessities, the Confederate States do hereby further agree that they will expend in each and every year hereafter, for the term of twenty years from the day of the signing of this treaty, commencing with the year one thousand eight hundred and sixty-two, and in the early part of each year, the sum of $2,400, for the benefit of the Seneca tribe, including the Cayugas and Mohawks, who form part of the tribe of the Shawnees aforesaid, forming part of the mixed bands of Senecas and Shawnees, of the Wyandots residing among each, and of the Senecas of the said mixed bands, if they shall unite in this treaty, but not otherwise, which sum of money shall be annually expended in the purchase by the superintendent, at first cost at the place of purchase in the Confederate States, of such articles of clothing, blankets, utensils, and other useful articles as he shall, aided by the report and recommendation of the agent in each year, judge to be most desirable, and as will conduce to the health and comfort of the Indians; and which article shall be annually distributed by the agent as equally as possible among the persons composing the Seneca tribe as aforesaid, the Shawnees and Wyandots aforesaid, and the Senecas of the said mixed bands of Senecas and Shawnees; in which distribution, however, regard may be had by the agent, by the advice of the chiefs, to the character and circumstances of the recipients, and the needy who are industrious and worthy be especially provided for, and the idle and dissolute not be encouraged.

ART. XXXIII. The Senecas and the Senecas and Shawnees not being able to maintain schools among them, and being anxious their children should not grow up in ignorance, the Confederate States hereby agree to build a comfortable school-house in each tribe, and that they will employ during the term of twenty years a competent male teacher and a competent female teacher, pay their salaries, and furnish the schools with the necessary stationery and such books as are needed for instruction in common schools. The repairs of school-houses shall be made and fuel furnished by the Senecas, the Senecas and Shawnees, and Wyandots themselves, and the schools shall be open to the children of all alike.

ART. XXXIV. Whenever it shall be desired either by the Senecas or the Shawnees of the mixed bands after the said Senecas shall have united in this treaty, a division of their joint annuity of $1,892.96 shall be made between them in the ratio of their numbers, and each band shall thereafter receive to its sole use the share of said annuity belonging to it, as thus determined, whatever their respective numbers may afterward be.

ART. XXXV. The Confederate States will also furnish the Senecas, formerly of Sandusky, and the Shawnees aforesaid, and the Senecas of the mixed bands when they shall have united in this treaty, with such medicines as may be necessary, and will employ a physician for them and for the Quapaws, who shall reside at a convenient place in the country of one or the other tribe during the pleasure of the President; and any physician employed shall be discharged by the superintendent and another be employed in his place in case of incompetency or inattention to his duties.

ART. XXXVI. The Confederate States also agree to employ a blacksmith for the Senecas and one for the Senecas and Shawnees for and during the term of twenty years from the date of this treaty, and an assistant for each, who shall be one of the Seneca or Shawnee people, and receive a compensation of $250 per annum; and they will also furnish each blacksmith a dwelling-house, shop, and tools, and supply each shop with coal and with 600 pounds of iron and 100 pounds of steel annually.

ART. XXXVII. The Confederate States will also employ one wagonmaker and wheelwright for the Senecas, and one for the Senecas and Shawnees, for and during the term of twenty years from the date of this treaty, and furnish each with a dwelling-house, shop, tools, and the necessary materials.

ART. XXXVIII. The Confederate States also hereby agree to build and put in running order for the Senecas and the Senecas and Shawnees, at some suitable point in their country, convenient to both, to be selected by the agent, a good grist and saw mill, and to deliver the same when completed to the Seneca and Seneca and Shawnee people, whose joint absolute property it shall at once become. And the Confederate States will also employ for the term of ten years an experienced miller for each mill, to be selected, if possible, from among the Senecas or Shawnees, and if such millers can be had at a compensation not exceeding $600 for each per annum.

ART. XXXIX. The Confederate States hereby agree to furnish each warrior of the Seneca tribe, and of the Shawnees aforesaid, and of the Senecas of the mixed bands aforesaid, when they shall have united in this treaty, who has not a gun, with a good rifle, and also to furnish each warrior of the same with a sufficient supply of ammunition during the war.

ART. XL. If any trader or other person should purchase from the Senecas or Shawnees, aforesaid, any of the articles given them by the Confederate States, he shall be severely punished.

ART. XLI. A general amnesty of all past offenses against the laws of the United States, or of the Confederate States, committed before the signing of this treaty, by any person of the Seneca tribe, or by any Shawnee of the mixed bands, is hereby declared; and all such persons, if any, charged with any such offense, shall receive from the President full and free pardon, and if imprisoned or held to bail, before or after conviction, shall be discharged.

ART. XLII. The Confederate States of America hereby tender to the Senecas, of the mixed bands of Senecas and Shawnees, the same protection and guarantees as are hereby extended and given to the Seneca tribe, and to the Shawnees aforesaid, and the other benefits offered to the said Senecas specifically by this treaty; and if the said Senecas, of the mixed bands, shall give no aid to the enemies of the Confederate States, and shall, within one year from the day of the signing of this treaty, enter into a convention whereby they shall unite in this treaty, and shall accept and agree to all the terms and conditions of the same, then it shall, to all intents and purposes, be regarded as having been originally made with them also, and they be deemed and taken to be parties hereto as if they were now to sign the same.

ART. XLIII. This convention shall be obligatory on the Seneca tribe, and on the Shawnees, aforesaid, of the mixed bands, from the day of its date, and on the Confederate States from and after its ratification by the Senate or Provisional Congress.

In testimony whereof the said Albert Pike, as commissioner with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms; and the undersigned, chiefs and headmen of the Seneca tribe of Indians, and of the Shawnees of the mixed bands of Senecas and Shawnees, do hereunto set their hands and affix their seals.

This done in duplicate at the place and upon the day in the month and year first aforesaid.

[SEAL.] ALBERT PIKE,
Commissioner of the Confederate States to the Indian Nations West of Arkansas.

Little Town Spicer, principal chief of Seneca tribe; Small Cloud Spicer, second chief of Seneca tribe; Moses Crow, councilor of Seneca tribe; John Mush, councilor of Seneca tribe; George Spicer, councilor of Seneca tribe; John Smith, James King, Isaac Warrior, Jim Big-Bone, Buck Armstrong, Jo Crow, David Smith, George Keron, C. S. interpreter for the Seneca tribe (warriors of the Seneca tribe); Lewis Davis, principal chief of the Senecas and Shawnees; Joseph Mohawk, second chief of the Shawnees; John Tomahawk; White Deer, councilor of the Shawnees; Silas Dougherty, councilor of the Shawnees; William Barbee, C. S. interpreter for the Shawnees.

Signed, sealed, and delivered in presence of us.

Wm. Quesenbury, secretary to the commissioner; E. Rector, Superintendent of Indian Affairs, Confederate States; Andrew J. Dorn, C. S. agent for Osages, Senecas, &c.; W. Warren Johnson, Luther H. Pike, J. W. Washbourne.

(To the Indian names are subjoined marks.)

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RATIFICATION.

Resolved (*two-thirds of Congress concurring*), That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Seneca tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees, each tribe for itself, by the chiefs and warriors who signed the same articles, of the other part, concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, A. D. one thousand eight hundred and sixty-one, with the following amendment:

In Article XXVII, at the end of the words "or in a State court," add the following words, "subject to the laws of the State."

NOTE.—The amendment was agreed to and ratified by the Senecas and Shawnees as a part of the treaty.

ARTICLES OF A CONVENTION, entered into and concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, A. D. one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their commissioner, with full powers, appointed by the President, by virtue of an act of the Congress in that behalf, of the one part, and the Quapaw tribe of Indians, by its chiefs and warriors, who have signed these articles, of the other part.

ARTICLE I. The Quapaw tribe of Indians, and all the persons thereof, do hereby place themselves under the laws and protection of the Confederate States of America, in peace and in war, forever and agree to be true and loyal to them under all circumstances.

ART. II. The Confederate States of America do hereby promise and firmly engage themselves to be, during all time, the friends and protectors of the Quapaw tribe of Indians, and to defend and secure them in the enjoyment of all their rights; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State, or person whatever.

ART. III. The Confederate States of America do hereby assure and guarantee to the Quapaw tribe of Indians the exclusive and undisputed possession, use, and occupancy, during all time, as long as grass shall grow and water run, of the country heretofore secured to them by treaty with the United States of America, and which is described in the treaty of the thirteenth day of May, A. D. one thousand eight hundred and thirty-three, as follows, that is to say: "One hundred and fifty sections of land, west of the State of Missouri, and between the lands of the Senecas and Shawnees, not heretofore assigned to any other tribe of Indians;" and as the same was afterward selected and assigned to said Quapaw tribe, and is now held and occupied by them, which lands shall not be sold or ceded by said tribe, nor shall any part thereof, to any nation or people, except to the Confederate States, nor to any individuals whatever, except as hereinafter provided, and the same shall vest in the Confederate States in case the said tribe becomes extinct or abandons the same.

ART. IV. The right is hereby reserved to the Confederate States to select in any unoccupied part of said country, if they shall desire to do so, a tract of land one mile square, as a reserve and site for an agency for the said tribe, which shall revert to the said tribe, with all the buildings thereon, whenever it shall cease to be occupied for an agency.

ART. V. The Confederate States shall have the right to establish in the said country such forts and military posts as they may deem necessary, and shall have the right to select for each such fort or post a tract of land one mile square, on which such fort or post shall be established: *Provided*, That if any person have any improvements on any tract so selected, the value of such improvements shall be paid by the Government to the owner thereof.

ART. VI. No person whatever shall be permitted to settle or reside upon the agency reserve, when it shall have been selected, except by permission of the agent; nor upon any reserve for a fort or military post, except by the permission of the commanding officer; and every such reserve for forts or military posts shall be within the sole and exclusive jurisdiction of the Confederate States.

ART. VII. The Confederate States hereby agree that the country hereby secured to the said tribe shall never be included within the bounds of any State or Territory, nor shall any of the laws of any State or Territory ever be extended over, or put in force within, any

part of the said country; and the President of the Confederate States will cause the said tribe to be protected against all molestation or disturbance at the hands of any other tribe or nation of Indians, or of any other person or persons whatever; and he shall have the same care and superintendence over them as was heretofore had by the President of the United States.

ART. VIII. The members of the said Quapaw tribe of Indians shall have the right henceforward of hunting and killing game in all the unoccupied country west of the possessions of the Cherokees, Seminoles, Choctaws, and Chickasaws, without molestation from any quarter, being, while so engaged therein, under the protection of the Confederate States.

ART. IX. There shall be perpetual peace and brotherhood between the Quapaw tribe of Indians and the Osages, Senecas, Senecas and Shawnees, Mus-ko-kis, Seminoles, Choctaws, and Chickasaws, and the bands of Wichitas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ki-chais, Ai-o-nais, Shawnees, and Delawares living in the country leased from the Choctaws and Chickasaws, and the Pen-e-tegh-ca, No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca, and Co-cho-tih-ca bands of the Ne-um or Comanches; and every injury or act of hostility which either has heretofore sustained or met with at the hands of the other shall be forgiven and forgotten.

ART. X. The Quapaw tribe of Indians and the said several other nations, tribes, and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by the said Quapaw tribe, as has already been agreed by all the others, that the horses, cattle, and other stock and property of each nation, tribe, or band, and of every person of each, is his or its own; and that no person belonging to the Quapaw tribe shall or will hereafter kill, take away, or injure any such property of another tribe or band, or of any member of any other tribe or band, or in any other way do them any harm.

ART. XI. Especially there shall be perpetual peace and friendship between said Quapaw tribe and the Osages, Senecas, Senecas and Shawnees, Cherokees, Mus-ko-kis, Seminoles, Choctaws, and Chickasaws; and the chiefs and headmen of the said Quapaw tribe shall do all in their power to take and restore any negroes, horses, or other property stolen from white men or from persons belonging to either of said nations and tribes, and to catch and give up any person among them who may kill or steal or do any other evil act.

ART. XII. In order that the friendship now established between the said Quapaw tribe of Indians and the Confederate States and the other Indian nations, tribes, and bands aforesaid may not be interrupted by the misconduct of individuals or bands of individuals, it is hereby agreed that for injuries done by individuals no private revenge or retaliation shall take place, but instead thereof complaint shall be made by the said Quapaw tribe of Indians, when any individual thereof is injured, to the agent of the Confederate States for the Osages and other tribes, who shall investigate the complaint, and if he finds it well founded shall report the same to the superintendent, who shall cause the wrong to be redressed and the person doing [it] to be arrested, whether he be a white man or an Indian; and he or they shall be tried for the same agreeably to the laws of the Confederate States or of the State or Territory against which he may have offended, and be punished in the sa ne manner and with the same severity as if the injury had been done to a white man. And it is also agreed

that if any member of the Quapaw tribe shall do any injury to the person or property of any white man, or of a member of any other nation or tribe under the protection of the Confederate States, the offender shall be given up to the agent upon complaint made to him, and on his demand the wrong shall be redressed by him, and the offender be tried for the offense agreeably to the laws of the Confederate States, or of the State, Territory, or nation against which he may [have] offended: *Provided*, That he shall be punished in no other manner nor with any greater severity than a citizen of the Confederate States or of such State, Territory, or nation would be if he had committed the same offense.

ART. XIII. It is hereby further agreed that the chiefs of the Quapaw tribe shall use every exertion in their power to recover any horses or other property that may be stolen from any citizen of the Confederate States, or from any member of any other Indian nation or tribe under the protection of the Confederate States, by any person or persons whatever, and found within the limits of their country; and the property so recovered shall be forthwith delivered to the owner or to the agent to be restored to him. If in any case the right to the property claimed is contested by the person in possession, the agent shall summarily investigate the case, and, upon hearing the testimony of witnesses, shall decide the right to the property, and order it to be detained or delivered up accordingly. Either party may appeal from his decision to the superintendent, whose decision shall be final in all cases, the property in the meantime remaining in the custody of the agent. If in any case the exertions of the chiefs to cause the restoration of stolen property prove ineffectual, and the agent is satisfied from the testimony that it was actually stolen, or received with knowledge of its being stolen, by any person belonging to the Quapaw tribe, he shall so report to the superintendent, with a copy of the testimony, which shall, for that purpose, be always reduced to writing; and the superintendent shall, if satisfied from the testimony, deduct from the annuity of the tribe a sum equal to the value of the property stolen.

ART. XIV. The Confederate States hereby guarantee full and fair payment to the owner of the actual and full value of all horses and other property stolen from any person or persons belonging to the Quapaw tribe by any citizen of the Confederate States, or by any Indian of any other nation or tribe under their protection, in case the same cannot be recovered and restored, and upon sufficient proof being made before the superintendent, or any agent of the Confederate States for any such nations or tribes, that such property was actually stolen by a citizen or citizens of the Confederate States, or by an Indian or Indians of any nation or tribe under their protection.

ART. XV. An agent for the Great and Little Osage tribes, the Quapaws, Senecas, and Senecas and Shawnees shall be appointed by the President, and an interpreter for the Quapaw tribe for their protection, and that their complaints may be heard by, and their wants made known to, the President. The agent shall reside continually in the country of one or the other of said tribes or bands, and the interpreter shall reside continually amongst the Quapaws, and neither of them shall ever be absent from their posts, except by permission of the superintendent.

ART. XVI. None of the braves of the Quapaw tribe shall go upon the warpath against any enemy whatever, except with the consent of the agent, or unless it be to pursue hostile bands of white men or Indians entering their country and committing murder, robbery, or

other outrage, when immediate pursuit is necessary; nor shall hold any talks or councils with any white men or Indians without his knowledge and consent. And they especially agree to attend no councils or talks in the country of any people with whom the Confederate States are at war; and in case they do so, all the benefits secured to them by this treaty shall immediately and forever cease.

ART. XVII. The Confederate States will not permit any improper person to reside or be in the Quapaw country, but only such persons as are employed by them, their officers, or agents, and traders, licensed by them, who shall sell to the Quapaws and buy from them at fair prices, under such regulations as the President shall make from time to time.

ART. XVIII. No State or Territory shall ever pass laws for the government of the Quapaw people, and, except so far as the laws of the Confederate States are in force in their country, they shall be left free to govern themselves and to punish offenses committed by one of themselves against the person or property of another: *Provided*, That if one of them kills another without good cause or justification he shall suffer death, but only by the sentence of the chiefs, and after a fair trial, all private revenge being strictly forbidden.

ART. XIX. Every white man who marries a woman of the Quapaws and resides in the Quapaw country shall be deemed and taken, even after the death of his wife, to be a Quapaw and a member of the tribe so far as to be subject to its laws in respect to all offenses committed in its country against the person or property of another member of his tribe, and as not to be considered a white man committing such offense against the person or property of an Indian within the meaning of the acts of the Congress of the Confederate States; and all negroes or mulattoes, bond or free, committing any such offense in said country shall in like manner be subject to the laws of the tribe.

ART. XX. The Confederate States shall have the right to establish, open, and maintain such military and other roads through any part of the Quapaw country as the President may deem necessary without making any compensation for the right of way or for the land, timber, or stone used in constructing the same; but if any other property of the tribe or any other property or the improvements of an individual be used or injured therein, just and adequate compensation shall be made.

ART. XXI. The Confederate States may grant the right of way for any railroad through any part of the Quapaw country; but the company to which any such right may be granted shall pay to the tribe therefor such sum as shall, in the opinion of the President, be its fair value, and shall also pay to individuals all damages done by the building of said road to their improvements or other property, to such amount in each case as commissioners appointed by the President shall determine.

ART. XXII. The agent of the Confederate States for the Osages and other tribes shall prevent all intrusions by hunters and others upon the lands of the Quapaws, and permit no white men or other Indians to settle thereon, and shall remove all such persons, calling, if necessary, upon the military power for aid; and the commanders of military posts in that or the adjoining country shall be required to afford him such aid upon his requisition.

ART. XXIII. The Quapaws may allow persons of any other tribe of Indians to settle among them, and may receive from them, for their

own benefit, compensation for such lands as they may sell or assign to such persons.

ART. XXIV. No citizen or inhabitant of the Confederate States or member of any friendly nation or tribe of Indians shall pasture stock on the lands of the Quapaws; but all such persons shall have full liberty at all times, and whether for business or pleasure, peaceably to travel in their country, on the roads or elsewhere, to drive their stock through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose and no other.

ART. XXV. Any person duly charged with a criminal offense against the laws of the Confederate States, or of any State or Territory, or of any Indian nation or tribe under the protection of the Confederate States, escaping into the Quapaw country, shall be promptly taken and delivered up by the chiefs of the Quapaws, on the demand of the proper authority of the Confederate States, or of the State, Territory, nation, or tribe within whose jurisdiction the offense shall be alleged to have been committed.

ART. XXVI. In addition to the laws of the Confederate States expressly applying to the Indian country, so much of their laws as provides for the punishment of crimes amounting to felony at common law, or by statute against their laws, authority, or treaties, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or any other current coin, or the securities of the Confederate States, or the uttering of such counterfeit coin or securities; and so much of said laws as provides for punishing violations of the neutrality laws, and resistance to the process of the Confederate States; and all the acts of the Provisional Congress providing for the common defense and welfare, so far as the same are not locally inapplicable, and the laws providing for the capture and delivery of fugitive slaves, shall be in force in the Quapaw country; and the district court for Chalahki district, when established, shall have exclusive jurisdiction to try, condemn, and punish offenders against those laws, to adjudge and pronounce sentence, and cause execution thereof to be done.

ART. XXVII. Whenever any person who is a member of the Quapaw tribe shall be indicted for any offense in any court of the Confederate States, or in a State court, he shall be entitled, as of common right, to subpœna and, if necessary, to compulsory process for all such witnesses in his behalf as his counsel may think material for his defense; and the costs of process for such witnesses, and of the service thereof, and fees and mileage of such witnesses, shall be paid by the Confederate States; and whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defense, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court and paid upon the certificate of the judge.

ART. XXVIII. It is hereby declared and agreed that the institution of slavery in the said Quapaw tribe is legal, and has existed from time immemorial; that slaves are personal property; that the title to slaves and other property having its origin in the said tribe is to be determined by the laws and customs thereof, and that the slaves and personal property of every person domiciled in the country of said tribe shall pass and be distributed at his or her death in accordance with

the laws, usages, and customs of the said tribe, which may be proved by oral evidence, and shall everywhere be held valid and binding within the scope of their operation. And if any slave escape from said tribe, the laws of the Confederate States for the capture and delivery of fugitive slaves shall apply to such cases, whether they escape into a State or Territory or into any Indian nation or tribe under the protection of the Confederate States, the obligation upon each such State, Territory, nation, or tribe to deliver up the same being in every case as complete as if they had escaped from a State, and the mode of procedure the same.

ART. XXIX. The Quapaw tribe of Indians hereby makes itself a party to the existing war between the Confederate States and the United States of America, as the ally and ward of the former; and, in consideration of the protection guaranteed by this treaty, and of their common interests, hereby agrees to aid in defending its country against any invasion thereof by the common enemy; and it is agreed that all warriors furnished by it for the service of the Confederate States, and which shall be mustered into that service, shall receive the same pay and allowances as other troops of the same class therein, and remain in the service as long as the President shall require.

ART. XXX. The Confederate States hereby agree to furnish each warrior of the Quapaw tribe, who has not a gun, with a good rifle, and also to furnish each warrior with a sufficient supply of ammunition during the war.

ART. XXXI. The Confederate States will also furnish the Quapaws, at a proper place, with such medicines as may be necessary, and will employ a physician for them and for the Senecas, and Senecas and Shawnees, who shall reside at a convenient place in the country of one or the other tribe, during the pleasure of the President; and any physician employed shall be discharged by the superintendent, and another be employed in his place, in case of incompetency or inattention to his duties.

ART. XXXII. In consideration of the uniform loyalty and good conduct of the Quapaw tribe, and of their necessities, arising from the sale by them of their lands in Arkansas for a grossly inadequate price, by the treaty of the year one thousand eight hundred and twenty-four, the Confederate States hereby agree to expend for the benefit of the Quapaws, in each year, for and during the term of twenty years from the day of the signing of this treaty, commencing with the year one thousand eight hundred and sixty-two, the sum of $2,000, which shall be applied each year by the superintendent to the purchase of articles costing that sum at the place of purchase in the Confederate States, to consist of blankets, clothing, tobacco, household and kitchen furniture and utensils, and other articles of ease and comfort for the Quapaws, which shall be distributed among them by the agent, as equally as possible, regard being had in the distribution to the character for industry or idleness, and good or bad conduct, on the part of the recipient, as well as the necessities of each, so that the good and needy shall be preferred, and in determining which the agent shall pay due respect to the opinions and judgment of the chiefs.

ART. XXXIII. The Confederate States also agree to employ a blacksmith for the Quapaws for and during the term of twenty years from the date of this treaty, and an assistant, who shall be one of the Quapaw people, and receive a compensation of $250 per annum; and they will also furnish the blacksmith with a dwelling-house, shop, and

tools, and supply the shop with coal and with 600 pounds of iron and 100 pounds of steel annually.

ART. XXXIV. The Confederate States will also employ one wagon-maker and wheelwright for the Quapaws for and during the term of twenty years from the date of this treaty, and furnish him with a dwelling-house, shops, tools, and the necessary materials.

ART. XXXV. The Confederate States hereby agree to build and put in running order for the Quapaws, at some suitable point in their country, to be selected by the agent, a good grist and saw mill, and to deliver the same when completed to the Quapaw people, whose absolute property it shall at once become. And the Confederate States will also employ for the term of ten years an experienced miller for each mill, to be selected, if possible, from among the Quapaws, and if such millers can be had at a compensation not exceeding $600 per annum for each.

ART. XXXVI. The Confederate States also further agree to purchase for the Quapaws four good wagons and harness for four horses for each wagon, ten yoke oxen, and ten sets of horse gear complete, to be delivered to the chiefs, and used for the general benefit of their people.

ART. XXXVII. The Confederate States also further agree perpetually to pay regularly and annually hereafter the sum of $1,000 for education of their children, provided by the treaty of the thirteenth day of May, A. D. one thousand eight hundred and thirty-three, and also to add to that sum in each and every year the further sum of $1,500, which sums shall be payable on the first day of January in each year, commencing with the year one thousand eight hundred and sixty-two, and shall be applied by the agent to the education of Quapaw children and youths in the Osage manual-labor school, until an institution of learning can be, with the aid of this perpetual fund, established in the country of the Quapaws.

ART. XXXVIII. Inasmuch as the Quapaws have no fund out of which to pay the salaries of their chiefs, or the expenses of their government, the Confederate States further agree to pay to each of the present chiefs, Wat-ti-shi-nek Kat-eh-de, the first chief, Ka-hi-keh-tih-te, the second chief, for each year, and during his natural life, an annuity of $100 in money per annum, payable on the first day of January in each year, commencing with the year one thousand eight hundred and sixty-two.

ART. XXXIX. If any trader or other person should purchase from any Quapaw any of the chattels or articles given him by the Confederate States, he shall be severely punished.

ART. XL. A general amnesty of all past offenses against the laws of the United States or of the Confederate States, committed before the signing of this treaty by any member of the Quapaw tribe, as such membership is defined in this treaty, is hereby declared; and all such persons, if any, charged with such offense shall receive from the President full and free pardon, and if imprisoned or held to bail, before or after conviction, shall be discharged.

ART. XLI. This convention shall be obligatory on the Quapaw tribe of Indians from the day of its date, and on the Confederate States from and after its ratification by the Senate or Provisional Congress.

In perpetual testimony whereof the said Albert Pike, as commissioner with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms; and the

undersigned, chiefs and headmen of the Quapaw tribe of Indians, do hereunto set their hands and affix their seals.

This done in duplicate at the place and upon the day in the year first aforesaid.

[SEAL.]

ALBERT PIKE,
Commissioner of the Confederate States to the Indian Nations West of Arkansas.

Wat-ti-shi-nek Kat-eh-de, principal chief of the Quapaws; George Lane, Elijah H. Fields, Not-tet-tu, Ka-ni, Mos-ka-zi-ka, A-hi-sut-ta, Nik-kat-toh, Mo-zek-ka-ne, S. G. Vallar, R. P. Lombard.

Signed, sealed, and delivered in the presence of us.

Wm. Quesenbury, secretary to the commissioner; E. Rector, Superintendent Indian Affairs, Confederate States; Andrew J. Dorn, C. S. agent for the Quapaws, &c.; W. Warren Johnson, R. H. Bean, J. W. Washbourne.

(To the Indian names are subjoined marks.)

RATIFICATION.

Resolved (*two-thirds of the Congress concurring*), That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention, made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, of the one part, and the Quapaw tribe of Indians, by its chiefs and warriors, who signed the same articles, of the other part, concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, A. D. one thousand eight hundred and sixty-one, with the following amendment:

Strike out from Article XXVII the following words, "or in a State court," and insert in lieu thereof the following words, "or in a State court, subject to the laws of the State."

NOTE.—The amendment was agreed to and ratified by the Quapaws as a part of the treaty.

ATLANTA, *October 4, 1861.*

Hon. J. P. BENJAMIN,
Secretary of War:

Have given to you and Major Ashe reason why I cannot spare cars and engines from State road. He writes from Chattanooga that he has orders to impress them. I presume he has not received your countermanding order. I hope you will telegraph him, as I shall certainly resist the impressment by military force if necessary. The Southern route, only a few hours longer, will carry promptly to extent of our capacity all freights sent, but will not suspend the working of our own road to enable another line to carry all the freight.

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 4, 1861.

His Excellency FRANCIS W. PICKENS,
Governor of South Carolina:

SIR: Your letter of the 28th of September has been received, and in compliance with your wishes no more troops will be called for from South Carolina without previous conference with Your Excellency. I sincerely regret that it is not at present in the power of this Department to furnish your troops with arms, especially as South Carolina has been so liberal in sending her arms to Virginia to be used in the common cause. No pains will be spared to procure arms, and as soon as it becomes possible it will afford me great pleasure to supply the troops of South Carolina with them.

Very respectfully,

J. P. BENJAMIN,
Acting Secretary of War.

HEADQUARTERS MILITARY DISTRICT,
Savannah, October 5, 1861.

Hon. J. P. BENJAMIN,
Acting Secretary of War, Richmond, Va.:

SIR: I have the honor to acknowledge the receipt of your letter of the 29th of September by the hands of my aide-de-camp, Captain Clinch. That the course I found it my duty to pursue in an emergency with regard to a portion of the arms landed in Savannah from the steamer Bermuda does not meet with the approval of the Department is to me a source of sincere regret. I would content myself, however, with the reflection that I had discharged my whole duty according to my best judgment, and bow in silence to the decision of the proper authority, did not the terms in which you are pleased to characterize my conduct, and the illustrations to which you resort to make manifest its impropriety, force me either to call your attention to some of them or to consent at once to an entire surrender of my own self-respect. When such an alternative is presented I cannot hesitate as to my duty.

Indulge me while I state the facts briefly: For several days after the arrival of the Bermuda at Savannah it was impossible to ascertain here whether the arms and munitions by the steamer were public or private property. Sorely pressed for the want of arms, and authorized as I was by the War Department to organize the necessary force for the defense of this coast, I communicated promptly with the consignees in Charleston, and wrote and telegraphed the Adjutant-General on the subject. I am not aware that I transcended my authority in this. There was no reply to either my letter or telegraph to the Adjutant-General, though these applications were certainly most respectful in terms and directly connected with my official duties. Repeated inquiries from day to day satisfied me that neither the ordnance officer nor quartermaster of this command (to whose care would naturally have been committed such portions of the cargo as appertained to each of these departments), nor any other Confederate officer, had any control or supervision over these arms, so invaluable to the Confederate Government. Without reference even to my extreme desire to procure a portion of these arms for my command, as the military commander of this district I did not feel that I

was officious in exercising some general supervision over, or at least manifesting profound interest in, so much valuable public property, for I had not then been informed by the War Department that this was no more to be expected of me "than that I would assume to exercise authority in Virginia or Missouri."

In this state of uncertainty and anxiety I received an application from the collector of this port to place a guard over certain arms and munitions believed to be the property of the Confederate States. It was after this, and when the report that the enemy's fleet was intended for the coast of Georgia had caused great excitement and alarm among the good people within the limits of my command, that I took possession of a portion of these arms, notifying the Department promptly of my action in the premises. The Department seems to treat this matter as though the arms were by my act placed out of its reach, or even sent "beyond seas," whereas they were simply taken possession of by an ordnance officer of the Confederate service under my command, and such as were issued at all were placed in the hands of troops mustered in for the war, subject to be ordered anywhere or disarmed, at the pleasure of the Government, when the emergency was over; and the result has shown the correctness of this view, for the order of the Department touching these very arms has now been executed to the letter, without obstacle or delay. I was not a little surprised to learn from your letter that instead of asking instructions I had "informed the Department by telegraph of my intention to seize these arms, to which no other reply could be made," &c. If I ever sent any such dispatch, neither my memory nor my copy book recalls it, and should it have any existence, I beg to ask the favor of you to forward me a copy of it from the files of the Department. I know of but two dispatches sent by me on this subject, the first to the Adjutant-General, as follows:

SEPTEMBER 20, 1861.

I earnestly request that the arms and munitions of war by steamer Bermuda now here may not leave Savannah until you receive my letter of this date.

The second, addressed to the Secretary of War, in reply to one warning me as to the intended attack on Brunswick, &c., and dated 25th of September, was as follows:

I can do nothing for want of arms, unless I hold those from steamer Bermuda. I sent to-day a special agent to Richmond on this subject.

There is an entire absence of any expression of intention in either of these, and both of them simply and earnestly ask the assistance of the Department. I will here add that if in all matters of importance appertaining to this military district I delay action until I can receive instructions from Richmond, my presence here can be of little importance in any emergency, for the average time consumed in asking for and receiving instructions or replies of any kind is at least ten days, so great is the pressure of correspondence on the Department.

Was there no emergency to justify my act? Aside from the rumors with which the public ear was filled, the Governor of Georgia notified me of a private dispatch from Richmond announcing that the mammoth fleet of the enemy was intended for Brunswick, on this coast. The same information was dispatched directly to me by Hon. Howell Cobb and by the Secretary of War, the latter on the same day, though after I had sent my agent to Richmond. Under these circumstances, had the enemy obtained a footing on this coast for the want of a force

to resist, while I had unarmed men under my command and arms in abundance boxed up in a warehouse near by, I never could have justified myself before any tribunal, military, civil, or social.

In the trying and almost unaided position in which I am placed, pardon me for saying that it is truly painful to have it intimated by the Department that I have utterly misconceived my powers and duties and, indeed, that I am ignorant of the first principles of organization; that the Department "acts through its appropriate bureaus." I had hoped that an early military education, followed by some experience in the military service of my country, would have protected me, even after many years spent in civil life, from official suggestions so mortifying to manly pride. While I hold a commission those in authority over me have only to command and I obey. If, however, my conduct, when left without instructions, deserves to be characterized by the Department as it has been through your letter of the 29th of September, I respectfully ask that the facts may be ascertained and passed upon by a military tribunal.

I have the honor to be, very respectfully, your obedient servant,

A. R. LAWTON,
Brigadier-General, Commanding.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 6, 1861.

H. W SHEFFEY, Esq.,
Staunton, Va.:

SIR: In reply to your letter of October 1 in regard to the project of Mr. Crawford and other "bold and daring spirits," I can only say that privateering is of necessity, by the laws of Congress as well as of nations, confined to the high seas, and this service is, moreover, not under the charge of this Department.

Respectfully,

J. P. BENJAMIN,
Acting Secretary of War.

A TREATY of friendship and alliance made and concluded at Tahlequah, in the Cherokee Nation, on the seventh day of October, A. D. one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, commissioner with plenary powers, of the Confederate States, of the one part, and the Cherokee Nation of Indians, by John Ross, the principal chief, Joseph Verner, assistant principal chief, James Brown, John Drew, and William P. Ross, executive councilors, constituting, with the principal and assistant principal chiefs, the executive council of the nation, and authorized to enter into this treaty by a general convention of the Cherokee people, held at Tahlequah, the seat of government of the Cherokee Nation, on the twenty-first day of August, A. D. one thousand eight hundred and sixty-one; together with Lewis Ross, Thomas Pegg, and Richard Fields, commissioners selected and appointed by the principal chief with the advice and consent of the executive council to assist in negotiating the same, of the other part.

The Congress of the Confederate States of America, having by an "Act for the protection of certain Indian tribes," approved the twenty-first day of May, A. D. one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the

rights, privileges and immunities, titles and guaranties with each of said nations and tribes under treaties made with them by the United States of America; and the Cherokee Nation of Indians having assented thereto upon certain terms and conditions:

Now, therefore, the said Confederate States of America, by Albert Pike, their commissioner, constituted by the President, under authority of the act of Congress in that behalf, with plenary powers for these purposes, and the Cherokee Nation, by the principal chief, executive council, and commissioners aforesaid, has agreed to the following articles, that is to say:

ARTICLE I. There shall be perpetual peace and friendship, and an alliance, offensive and defensive, between the Confederate States of America and all of their States and people, and the Cherokee Nation and all the people thereof.

ART. II. The Cherokee Nation of Indians acknowledges itself to be under the protection of the Confederate States of America, and of no other power or sovereign whatever; and does hereby stipulate and agree with them that it will not hereafter contract any alliance, or enter into any compact, treaty, or agreement with any individual, State, or with a foreign power; and the said Confederate States do hereby assume and accept the said protectorate, and recognize the said Cherokee Nation as their ward; and by the consent of the said nation now here freely given, the country whereof it is proprietor in fee, as the same is hereinafter described, is annexed to the Confederate States in the same manner and to the same extent as it was annexed to the United States of America before that Government was dissolved, with such modifications, however, of the terms of annexation, and upon such conditions as are hereinafter expressed, in addition to all the rights, privileges, immunities, titles, and guaranties with or in favor of the said nation, under treaties made with it, and under the statutes of the United States of America. And in consequence of the obligations imposed on the Cherokee people by this article, it is agreed on the part of the Confederate States that they will not at any time enter into any compact, treaty, or agreement with any individuals or party in the Cherokee Nation, but only with the constitutional authorities of the same, that will in any way interfere with or affect any of the national rights of the Cherokee people.

ART. III. The Confederate States of America, having accepted the said protectorate, hereby solemnly promise the said Cherokee Nation never to desert or to abandon it, and that under no circumstances will they permit the Northern States or any other enemy to overcome them and sever the Cherokees from the Confederacy; but that they will, at any cost and all hazards, protect and defend them and maintain unbroken the ties created by identity of interests and institutions, and strengthened and made perpetual by this treaty.

ART. IV. The boundaries of the Cherokee country shall forever continue and remain the same as they are defined by letters patent therefor given by the United States to the Cherokee Nation on the thirty-first day of December, A. D. one thousand eight hundred and thirty-eight, which boundaries are therein defined as follows:

Beginning at a mound of rocks four feet square at base, and four and a half feet high, from which another mound of rocks bears south one chain, and another mound of rocks bears west one chain, on what has been denominated the old western territorial line of Arkansas Territory, twenty-five miles north of Arkansas River; thence south

twenty-one miles and twenty-eight chains to a post on the northeast bank of the Verdigris River, from which a hackberry, fifteen inches diameter, bears south sixty-one degrees thirty-one minutes east, forty-three links, marked C. H. L., and a cottonwood, forty-two inches diameter, bears south twenty-one degrees fifteen minutes east, fifty links, marked C. R. R. L.; thence down the Verdigris River, on the northeast bank, with its meanders to the junction of Verdigris and Arkansas Rivers; thence from the lower bank of Verdigris River, on the north bank of Arkansas River, south forty-four degrees thirteen minutes east, fifty-seven chains, to a post on the south bank of Arkansas, opposite the eastern bank of Neosho River, at its junction with Arkansas, from which a red oak, thirty-six inches diameter, bears south seventy-five degrees forty-five minutes west, twenty-four links, and a hickory, twenty-four inches diameter, bears south eighty-nine degrees east, four links; thence south fifty-three degrees west, one mile, to a post from which a rock bears north fifty-three degrees east, fifty links, and a rock bears south eighteen degrees eighteen minutes west, fifty links; thence south eighteen degrees eighteen minutes west, thirty-three miles, twenty-eight chains and eighty links, to a rock, from which another rock bears north eighteen degrees eighteen minutes east, fifty links, and another rock bears south fifty links; thence south four miles to a post on the lower bank of the North Fork of Canadian River at its junction with Canadian River, from which a cottonwood, twenty-four inches diameter, bears north eighteen degrees east, forty links, and a cottonwood, fifteen inches diameter, bears south nine degrees east, fourteen links; thence down the Canadian River on its north bank to its junction with Arkansas River; thence down the main channel of Arkansas River to the western boundary of the State of Arkansas at the northern extremity of the eastern boundary of the lands of the Choctaws, on the south bank of Arkansas River, four chains and fifty-four links east of Fort Smith; thence north seven degrees twenty-five minutes west with the western boundary of the State of Arkansas, seventy-six miles sixty-four chains and fifty links, to the southeast corner of the State of Missouri; thence north on the western boundary of the State of Missouri eight miles forty-nine chains and fifty links to the north bank of Cowskin or Seneca River, at a mound six feet square at base and five feet high, in which is a post marked on the south side Cor. Ch. Ld.; thence west on the northern boundary of the lands of the Senecas, eleven miles and forty chains, to a post on the east bank of Neosho River, from which a maple, eighteen inches diameter, bears south thirty-one degrees east, seventy-two links; thence up Neosho River, with its meanders, on the east bank to the southern boundary of Osage lands, thirty-six chains and fifty links, west of the southeast corner of the lands of the Osages, witnessed by a mound of rocks on the west bank of Neosho River; thence west on the southern boundary of the Osage lands to the line dividing the territory of the United States from that of Mexico, two hundred and eighty-eight miles thirteen chains and sixty-six links, to a mound of earth six feet square at base and five and a half feet high, in which is deposited a cylinder of charcoal twelve inches long and four inches diameter; thence south along the line of the territory of the United States and of Mexico, sixty miles and twelve chains, to a mound of earth six feet square at base and five and a half feet high, in which is deposited a cylinder of charcoal eighteen inches long and three inches diameter;

thence east along the northern boundary of Creek lands, two hundred and seventy-three miles fifty-five chains and sixty-six links, to the beginning, containing within the survey 13,574,135.14 acres.

ART. V. The Cherokee Nation hereby gives its full, free, and unqualified assent to those provisions of the act of Congress of the Confederate States of America entitled "An act for the protection of certain Indian tribes," approved the twenty-fourth day of May, A. D. one thousand eight hundred and sixty-one, whereby it was declared that all reversionary and other interest, right, title, and proprietorship of the United States in, unto, and over the Indian country, in which that of the said Cherokee Nation is included, should pass to and vest in the Confederate States; and whereby the President of the Confederate States was authorized to take military possession and occupation of all said country; and whereby all the laws of the United States, with the exception thereinafter made, applicable to and in force in said country, and not inconsistent with the letter or spirit of any treaty stipulations entered into with the Cherokee Nation, were enacted, continued in force, and declared to be in force in said country as laws and statutes of the Confederate States: *Provided, however*, And it is hereby agreed between the said parties that whatever in the said laws of the United States contained is or may be contrary to or inconsistent with any article or provision of this treaty is to be of none effect henceforward, and shall, upon the ratification hereof, be deemed and taken to have been repealed and annulled as of the present date, and this assent, as thus qualified and conditioned, shall relate to and be taken to have been given upon the said day of the approval of the said act of Congress.

ART. VI. The Confederate States of America do hereby solemnly guarantee to the Cherokee Nation, to be held by it to its own use and behoof in fee simple forever, the lands included within the boundaries defined in Article IV of this treaty; to be held by the people of the Cherokee Nation in common as they have heretofore been held, if the said nation shall so please, but with power of making partition thereof and dispositions of parcels of the same by virtue of laws of said nation duly enacted, and approved by a majority of the Cherokee people in general convention assembled; by which partition or sale title in fee simple absolute shall vest in parceners and purchasers whenever it shall please said nation, of its own free will and accord and without solicitation from any quarter, to do so; which solicitation the Confederate States hereby solemnly agree never to use; and the title and tenure hereby guaranteed to the said nation is and shall be subject to no other restrictions, reservations, or conditions whatever than such as are hereinafter specially expressed.

ART. VII. None of the lands hereby guaranteed to the Cherokee Nation shall be sold, ceded, or otherwise disposed of to any foreign nation or to any State or government whatever; and in case any such sale, cession, or disposition should be made without the consent of the Confederate States, all the said lands shall thereupon revert to the Confederate States.

ART. VIII. The Confederate States of America do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Cherokee Nation; and that no portion of the lands guaranteed to it shall ever be embraced or included within or annexed to any Territory or province; nor shall any attempt ever be made, except upon the free, voluntary, and unsolicited application of said nation, to erect its said country, by itself or with any

other, into a State or any other territorial or political organization, or to incorporate it into any State previously created.

ART. IX. All navigable streams of the Confederate States and of the Indian country shall be free to the people of the Cherokee Nation, who shall pay no higher toll or tonnage duty or other duty than the citizens of the Confederate States; and the citizens of that nation living upon the Arkansas River shall have, possess, and enjoy upon that river the same ferry privileges, to the same extent in all respects, as citizens of the Confederate States on the opposite side thereof, subject to no other or a different tax or charge than they.

ART. X. The Cherokee Nation may by act of its legislative authorities receive and incorporate in the nation as members thereof, or permit to reside and settle upon the national lands, such Indians of any other nation or tribe as to it may seem good; and may sell them portions of its land, and receive to its own use the consideration therefor; and the nation alone shall determine who are members and citizens of the nation entitled to vote at elections and share in annuities: *Provided*, That when persons of another Indian nation or tribe shall once have been received as members of the nation, they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Cherokees themselves. But no Indians not settled in the Cherokee country shall be permitted to come therein to reside without the consent and permission of the legislative authority of the nation.

ART. XI. So far as may be compatible with the Constitution of the Confederate States and with the laws made, enacted, or adopted in conformity thereto, regulating trade and intercourse with the Indian tribes, as the same are modified by this treaty, the Cherokee Nation shall possess the otherwise unrestricted right of self-government and full jurisdiction, judicial and otherwise, over persons and property within its limit, excepting only such white persons as are not by birth, adoption, or otherwise members of the Cherokee Nation; and that there may be no doubt as to the meaning of this exception, it is hereby declared that every white person who, having married a Cherokee woman, resides in said Cherokee country, or who, without intermarrying, is permanently domiciled therein with the consent of the authorities of the nation, and votes at elections, is to be deemed and taken to be a member of the said nation within the true intent and meaning of this article; and that the exception contained in the laws for the punishment of offenses committed in the Indian country, to the effect that they shall not extend or apply to offenses committed by one Indian against the person or property of another Indian, shall be so extended and enlarged by virtue of this article, when ratified and without further legislation, as that none of said laws shall extend and apply to any offense committed by any Indian, or negro, or mulatto, or by any white person, so by birth, adoption, or otherwise a member of the Cherokee Nation, against the person or property of any Indian, negro, or mulatto, or any such white person, when the same shall be committed within the limits of the said Cherokee Nation as hereinbefore defined; but all such persons shall be subject to the laws of the Cherokee Nation, and to prosecution and trial before its tribunals, and punishment according to such laws, in all respects like native members of the said nation.

ART. XII. All persons not members of the Cherokee Nation, as such membership is hereinbefore defined, who may be found in the

Cherokee country, shall be considered as intruders, and be removed and kept out of the same either by the civil officers of the nation under the direction of the Executive or Legislature, or by the agent of the Confederate States for the nation, who shall be authorized to demand, if necessary, the aid of the military for that purpose; with the following exceptions only, that is to say: Such individuals with their families as may be in the employment of the Government of the Confederate States; all persons peaceably traveling, or temporarily sojourning in the country, or trading therein under license from the proper authority, and such persons as may be permitted by the legislative authority of the Cherokee Nation to reside within its limits without becoming members of the said nation.

ART. XIII. A tract of two sections of land in the said nation, to be selected by the President of the Confederate States, or such officer or person as he may appoint, in conjunction with the authorities of the Cherokee Nation, at such a point as they may deem most proper, is hereby ceded to the Confederate States, for the purpose of an agency; and when selected shall be within their sole and exclusive jurisdiction, except as to offenses committed therein by one member of the Cherokee Nation against the person or property of another member of the same: *Provided*, That whenever the agency shall be discontinued, the tract so selected therein shall revert to the said nation, with all the buildings that may be thereupon: *And provided also*, That the President, conjointly with the authorities of the nation, may at any time select, in lieu of said reserve, any unoccupied tract of land in the nation, and in any other part thereof, not greater in extent than two sections, as a site for the agency of the nation, which shall in such case constitute the reserve, and that first selected shall thereupon revert to the Cherokee Nation.

ART. XIV. The Confederate States shall have the right to build, establish, and maintain such forts and military posts, temporary or permanent, and such military and post roads as the President may deem necessary in the Cherokee country; and the quantity of one mile square of land, including each fort or post, shall thereby vest as by cession in the Confederate States and be within their sole and exclusive jurisdiction, except as to offenses committed therein by members of the Cherokee Nation against the persons or property of other members of the same, so long as such fort or post is occupied; but no greater quantity of land beyond one mile square shall be used or occupied, nor any greater quantity of timber felled than of each is actually requisite; and if in the establishment of such fort, post, or road, or of the agency, the property of any individual member of the Choctaw [Cherokee] Nation, other than land, timber, stone, and earth, be taken, destroyed, or impaired, just and adequate compensation shall be made by the Confederate States.

ART. XV. No person shall settle or raise stock within the limits of any post or fort or of the agency reserve, except such as are or may be in the employment of the Confederate States in some civil or military capacity, or such as, being subject to the jurisdiction and laws of the Cherokee Nation, are permitted by the commanding officer of the fort or post to do so thereat, or by the agent to do so upon the agency reserve.

ART. XVI. An agent of the Confederate States for the Cherokee Nation and an interpreter shall continue to be appointed, both of whom shall reside at the agency. And whenever a vacancy shall occur in either of the said offices the authorities of the nation shall be

consulted as to the person to be appointed to fill the same, and no one shall be appointed against whom they in good faith protest, and the agent may be removed on petition and formal charges preferred by the constituted authorities of the nation, the President being satisfied, upon full investigation, that there is sufficient cause for such removal.

ART. XVII. The Confederate States shall protect the Cherokees from hostile invasion and from aggression by other Indians and white persons not subject to the laws and jurisdiction of the Cherokee Nation; and for all injuries resulting from such invasion or aggression full indemnity is hereby guaranteed to the party or parties injured, out of the Treasury of the Confederate States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them committed by Indians.

ART. XVIII. It is further agreed between the parties that the agent of the Confederate States, upon the application of the authorities of the Cherokee Nation, will not only resort to every proper legal remedy, at the expense of the Confederate States, to prevent intrusion upon the lands of the Cherokees and to remove dangerous or improper persons, but he shall call upon the military power if necessary; and to that end all commanders of military posts in the said country shall be required and directed to afford him, upon his requisition, whatever aid may be necessary to effect the purposes of this article.

ART. XIX. If any property of any Cherokees be taken by citizens of the Confederate States by stealth or force, the agent, on complaint made to him in due form by affidavit, shall use all proper legal means and remedies in any State where the offender may be found to regain the property or compel a just remuneration, and on failure to procure redress payment shall be made for the loss sustained by the Confederate States upon the report of the agent, who shall have power to take testimony and examine witnesses in regard to the wrong done and the extent of the injury.

ART. XX. No person shall be licensed to trade with the Cherokees except by the agent and with the advice and consent of the National Council. Every such trader shall execute bond to the Confederate States in such form and manner as was required by the United States, or as may be required by the Bureau of Indian Affairs. The authorities of the Cherokee Nation may, by a general law, duly enacted, levy and collect on all licensed traders in the nation a tax of not more than one-half of 1 per cent. on all goods, wares, and merchandise brought by them into the Cherokee country for sale, to be collected whenever such goods, wares, and merchandise are introduced, and estimated upon the first cost of the same at the place of purchase, as the same shall be shown by the copies of the invoices filed with the agent. No appeal shall hereafter lie from the decision of the agent or council refusing a license to the Commissioner of Indian Affairs, or elsewhere, except only to the superintendent in case of a refusal by the agent. And no license shall be required to authorize any member of the Cherokee Nation to trade in the Cherokee country, nor to authorize any person to sell flour, meats, fruits, and other provisions, or stock, wagons, agricultural implements, or arms brought from any of the Confederate States into the country, nor shall any tax be levied upon such articles or the proceeds of the sale thereof. And all other goods, wares, and merchandise exposed to sale by a person not qualified, without a license, shall be forfeited and be delivered

and given to the authorities of the nation, as also shall all wines and liquors illegally introduced.

ART. XXI. All restrictions contained in any treaty made with the United States, or created by any law or regulation of the United States, upon the limited right of any member of the Cherokee Nation to sell and dispose of, to any person whatever, any chattel or other article of personal property, are hereby removed; and no such restrictions shall hereafter be imposed, except by their own legislation.

ART. XXII. It is hereby further agreed by the Confederate States that all the members of the Cherokee Nation, as hereinbefore defined, shall be henceforward competent to take, hold, and pass, by purchase or descent, lands in any of the Confederate States, heretofore or hereafter acquired by them.

ART. XXIII. In order to secure the due enforcement of so much of the laws of the Confederate States in regard to criminal offenses and misdemeanors as is or may be in force in the said Cherokee country, and to prevent the Cherokees from being further harassed by judicial proceedings had in foreign courts and before juries not of the vicinage, the said country is hereby erected into and constituted a judicial district, to be called the Chalahki district, for the special purposes and jurisdiction hereinafter provided; and there shall be created and semi-annually held, within such district as Tahlequah, or in case of the removal of the seat of government of the nation, then at such place as may become the seat of government, a district court of the Confederate States, with the powers of a circuit court, so far as the same shall be necessary to carry out the provisions of this treaty, and with jurisdiction co-extensive with the limits of such district, in such matters, civil and criminal, to such extent and between such parties as may be prescribed by law, and in conformity to the terms of this treaty.

ART. XXIV. In addition to so much and such parts of the acts of Congress of the United States enacted to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers as have been re-enacted and continued in force by the Confederate States, and as are not inconsistent with the provisions of this treaty, so much of the laws of the Confederate States as provides for the punishment of crimes amounting to felony at common law or by statute, against the laws, authority, or treaties of the Confederate States, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or the securities of the Confederate States, and so much of the said laws as provides for punishing violators of the neutrality laws and resistance to the process of the Confederate States, and all the acts of the Provisional Congress providing for the common defense and welfare, so far as the same are not locally inapplicable, shall hereafter be in force in the Cherokee country, and the said district court shall have exclusive jurisdiction to try, condemn, and punish offenders against any such laws, to adjudge and pronounce sentence, and cause execution thereof to be done in the same manner as is done in any other district court of the Confederate States.

ART. XXV. The said district court of the Confederate States of America for the district of Chalahki shall also have the same admiralty jurisdiction as other district courts of the Confederate courts against any person or persons residing or found within the district, and in all civil suits at law or in equity when the matter in contro-

versy is of greater value than $500, between a citizen or citizens of any State or States of the Confederate States or any Territory of the same, or an alien or aliens and a citizen or citizens of the said district, or person or persons residing therein; and the Confederate States will, by suitable enactments, provide for the appointment of a judge and other proper officers of the said court, the clerk and marshal being members of the Cherokee Nation, and make all necessary enactments and regulations for the complete establishment and organization of the same, and to give full effect to its proceedings and jurisdiction.

ART. XXVI. The said district court shall have no jurisdiction to try and punish any person for any offense committed prior to the day of the signing of this treaty; nor shall any action in law or equity be maintained therein, except by the Confederate States or one of them, when the cause of action shall have accrued before the same day of the signing hereof.

ART. XXVII. If any citizen of the Confederate States or any other person, not being permitted to do so by the authorities of said nation or authorized by the terms of this treaty, shall attempt to settle upon any lands of the Cherokee Nation, he shall forfeit the protection of the Confederate States, and such punishment may be inflicted upon him, not being cruel, unusual, or excessive, as may have been previously prescribed by law of the nation.

ART. XXVIII. No citizen or inhabitant of the Confederate States shall pasture stock on the lands of the Cherokee Nation, under the penalty of $1 per head for all so pastured, to be collected by the authorities of the nation; but their citizens shall be at liberty at all times, and whether for business or pleasure, peaceably to travel the Cherokee country, and to drive their stock to market or otherwise through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose.

ART. XXIX. It is also further agreed that the members of the Cherokee Nation shall have the same right of traveling, driving stock, and halting to recruit the same in any of the Confederate States as is given citizens of the Confederate States by the preceding article.

ART. XXX. If any person hired or employed by the agent or by any other person whatever, within the agency reserve, or any post or fort, shall violate the laws of the nation in such manner as to become an unfit person to continue in the Cherokee country, he or she shall be removed by the superintendent upon the application of the Executive of the nation, the superintendent being satisfied of the truth and sufficiency of the charges preferred.

ART. XXXI. Any person duly charged with a criminal offense against the laws of either the Creek, Seminole, Choctaw, or Chickasaw Nations, and escaping into the jurisdiction of the Cherokee Nation, shall be promptly surrendered upon the demand of the proper authority of the nation within whose jurisdiction the offense shall be alleged to have been committed; and in like manner any person duly charged with a criminal offense against the laws of the Cherokee Nation, and escaping into the jurisdiction of either of the said nations, shall be promptly surrendered upon the demand of the proper authority of the Cherokee Nation.

ART. XXXII. The Cherokee Nation shall promptly apprehend and deliver up all persons duly charged with any crime against the laws

of the Confederate States, or of any State thereof who may be found within its limits, on demand of any proper officer of the State or of the Confederate States; and in like manner any person duly charged with a criminal offense against the laws of the Cherokee Nation, and escaping into the jurisdiction of a State, shall be promptly surrendered, on demand of the Executive of the nation.

ART. XXXIII. Whenever any person who is a member of the Cherokee Nation shall be indicted for any offense in any court of the Confederate States, or of a State, he shall be entitled, as of common right, to subpœna, and, if necessary, to compulsory process for all such witnesses in his behalf as his counsel may think necessary for his defense; and the cost of process for such witnesses and of service thereof, and the fees and mileage of such witnesses shall be paid by the Confederate States, being afterward made, if practicable, in case of conviction, of the property of the accused. And whenever the accused is not able to employ counsel the court shall assign him one experienced counsel for his defense, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

ART. XXXIV. The provisions of all such acts of the Congress of the Confederate States as may now be in force, or as may hereafter be enacted, for the purpose of carrying into effect the provisions of the Constitution in regard to the redelivery or return of fugitive slaves, or fugitives from labor and service, shall extend to and be in full force within the said Cherokee Nation; and shall also apply to all cases of escape of fugitive slaves from the said Cherokee Nation into any other Indian nation, or into one of the Confederate States; the obligation upon each such nation or State to redeliver such slaves being in every case as complete as if they had escaped from another State and the mode of procedure the same.

ART. XXXV. All persons who are members of the Cherokee Nation shall hereafter be competent as witnesses in all cases, civil and criminal, in the courts of the Confederate States, unless rendered incompetent from some other cause than their Indian blood or descent.

ART. XXXVI. The official acts of all judicial officers in the said nation shall have the same effect and be entitled to the like faith and credit everywhere as the like acts of judicial officers of the same grade and jurisdiction in any of the Confederate States; and the proceedings of the courts and tribunals of the said nation and copies of the laws and judicial and other records of the said nation shall be authenticated like similar proceedings of the courts of the Confederate States, and the laws and office records of the same, and be entitled to like faith and credit.

ART. XXXVII. It is hereby declared and agreed that the institution of slavery in the said nation is legal and has existed from time immemorial; that slaves are taken and esteemed to be personal property; that the title to slaves and other property having its origin in the said nation shall be determined by the laws and customs thereof, and that the slaves and other personal property of every person domiciled in said nation shall pass and be distributed at his or her death in accordance with the laws, usages, and customs of the said nation, which may be proved like foreign laws, usages, and customs, and shall everywhere be held binding within the scope of their operations.

ART. XXXVIII. No ex post facto law, or law impairing the obligation of contracts, shall ever be enacted by the legislative authority of

the Cherokee Nation; nor shall any citizen of the Confederate States, or member of any other Indian [nation], or tribe, be disseized of his property or deprived or restrained of his liberty, or fine, penalty, or forfeiture be imposed on him in the said country, except by the law of the land, nor without due process of law; nor shall any such citizen be in any way deprived of any of the rights guaranteed to all citizens by the Constitution of the Confederate States.

ART. XXXIX. It is further agreed that the Congress of the Confederate States shall establish and maintain post-offices at the most important places in the Cherokee Nation, and cause the mails to be regularly carried, at reasonable intervals, to and from the same, at the same rates of postage and in the same manner as in the Confederate States; and the postmasters shall be appointed from among the citizens of the Cherokee Nation.

ART. XL. In consideration of the common interest of the Cherokee Nation and the Confederate States, and of the protection and rights guaranteed to the said nation by this treaty, the Cherokee Nation hereby agrees that it will raise and furnish a regiment of ten companies of mounted men, with two reserve companies, if allowed, to serve in the armies of the Confederate States for twelve months; the men shall be armed by the Confederate States, receive the same pay and allowances as other mounted troops in the service, and not be moved beyond the limits of the Indian country west of Arkansas without their consent.

ART. XLI. The Cherokee Nation hereby agrees to raise and furnish, at any future time, upon the requisition of the President, such number of troops for the defense of the Indian country, and of the frontier of the Confederate States, as he may fix, not out of fair proportion to the number of its population, to be employed for such terms of service as the President may determine; and such troops shall receive the same pay and allowances as other troops of the same class in the service of the Confederate States.

ART. XLII. It is further agreed by the said Confederate States, that the said Cherokee Nation shall never be required or called upon to pay, in land or otherwise, any part of the expenses of the present war, or of any war waged by or against the Confederate States.

ART. XLIII. It is further agreed that after the restoration of peace the Government of the Confederate States will defend the frontiers of the Indian country, of which the Cherokee country is a part, and hold the forts and posts therein, with native troops, recruited among the several Indian nations included therein, under the command of officers of the Confederate States, in preference to other troops.

ART. XLIV. In order to enable the Cherokee Nation to claim its rights and secure its interests without the intervention of counsel or agents, it shall be entitled to a Delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a native-born citizen of the Cherokee Nation, over twenty-one years of age, and laboring under no legal disability by the law of the said nation; and each Delegate shall be entitled to the same rights and privileges as may be enjoyed by Delegates from any Territories of the Confederate States to the said House of Representatives. Each shall receive such pay and mileage as shall be fixed by the Congress of the Confederate States. The first election for Delegate shall be held at such time and places, and shall be conducted in such manner as shall be prescribed by the principal

chief of the Cherokee Nation, to whom returns of such election shall be made, and who shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections, the time, places, and manner of holding them, and ascertaining and certifying the result, shall be prescribed by the Confederate States.

ART. XLV. It is hereby ascertained and agreed between the parties to this treaty, that the United States of America, of which the Confederate States of America were heretofore a part, were, before the separation, indebted, and still continue to be indebted, to the Cherokee Nation, and bound to the punctual payment to them of the following sums annually on the first day of ——— in each year, that is to say: It was agreed by the tenth article of the treaty of the twenty-ninth day of December, A. D. one thousand eight hundred and thirty-five, that the sum of $200,000 should be invested by the the President of the United States, in some safe and most productive public stocks of the country, for the benefit of the whole Cherokee Nation, in addition to the annuities of the nation theretofore payable, to constitute a permanent general fund, and that the net income of the same should be paid over by the President annually to such person or persons as should be authorized or appointed by the Cherokee Nation to receive the same, whose receipt should be a full discharge for the amount paid to them, the same interest to be applied annually by the council of the nation to such purposes as they might deem best for the general interests of their people; and it was agreed by the eleventh article of the same treaty that the permanent annuity of $10,000 of the Cherokee Nation should be commuted for the sum of $214,000, and that the same should be invested by the President of the United States as a part of the said general fund of the nation, which thus became $414,000. And it was agreed by the tenth article of the same treaty that the President of the United States should invest in some safe and most productive public stocks of the country the further sum of $50,000, to constitute a permanent orphan's fund; and that he should pay over the net income of the same annually to such person or persons as should be authorized or appointed by the Cherokee Nation to receive the same, whose receipt should be a full discharge for the amount paid to them; which net annual income should be expended toward the support and education of such orphan children of the Cherokees as might be destitute of the means of subsistence. And it was agreed by the tenth article of the same treaty that the further sum of $150,000 should be invested by the President of the United States in some safe and most productive public stocks of the country for the benefit of the whole Cherokee Nation, which should constitute, in addition to the existing school fund of the nation, a permanent school fund, the net income whereof the President should pay over annually to such person or persons as should be authorized or appointed by the Cherokee Nation to receive the same, whose receipt should be a full discharge for the amount paid to them; and that the interest should be applied annually by the council of the nation for the support of common schools and such a literary institution of a higher order as might be established in the Cherokee country; and it was estimated by the eleventh article of the same treaty that the then existing school fund of the nation amounted to about $50,000, which, it was thereby agreed, should constitute a part of the permanent school fund aforesaid. And it is also further

agreed between the said parties to this treaty that the United States of America, while the said Confederate States were States of the said United States, did invest the whole of the said several principal sums of money, except the sum of $5,000, in stocks of the States hereinafter named, and of the United States, to the amount hereinafter named in each, that is to say:

THE PERMANENT GENERAL FUND OF THE NATION.

In 7 per cent. stock of the State of Florida, $7,000;
In 6 per cent. stock of the State of Georgia, $1,500;
In 5 per cent. stock of the State of Kentucky, $94,000;
In 6 per cent. stock of the State of Louisiana, $7,000;
In 6 per cent. stock of the State of Maryland, $761.39;
In 6 per cent. stock of the State of Missouri, $50,000;
In 6 per cent. stock of the State of North Carolina, $20,000;
In 6 per cent. stock of the State of South Carolina, $117,000;
In 5 per cent. stock of the State of Tennessee, $125,000;
In 6 per cent. stock of the State of Tennessee, $5,000, and
In 6 per cent. stock of the State of Virginia, $90,000.

Making the whole capital so invested $517,261.39, the net annual income whereof was and is $28,914.91.

THE PERMANENT ORPHAN FUND.

In 6 per cent. stock of the State of Virginia, $45,000.

The net annual income whereof was and is $2,700, leaving the sum of $5,000 uninvested, and which still so remains.

THE PERMANENT SCHOOL FUND.

In 7 per cent. stock of the State of Florida, $7,000;
In 6 per cent. stock of the State of Louisiana, $2,000;
In 5½ per cent. stock of the State of Missouri, $10,000;
In 6 per cent. stock of the State of Missouri, $5,000;
In 6 per cent. stock of the State of North Carolina, $21,000;
In 5 per cent. stock of the State of Pennsylvania, $4,000;
In 6 per cent. stock of the State of South Carolina, $1,000;
In 6 per cent. stock of the State of Tennessee, $7,000;
In the United States 6 per cent. loan of 1847, $5,800, and
In 6 per cent. stock of the State of Virginia, $135,000.

Making the whole capital so invested, of the said permanent school fund, $197,800, the net annual income whereof was and is $11,848.

All of which stocks the said United States now and do still continue to hold, or ought to have, in their hands.

And it is also hereby ascertained and agreed between the parties to this treaty that there will be due to the Cherokee Nation on the first day of January, A. D. one thousand eight hundred and sixty-two, for and on account of the said annually accruing interest on the said principal sums, and of arrearages thereof, the sum of $65,644.36, as follows, that is to say:

For the installments of interest on the permanent general fund, as invested, for July, 1860, and January and July, 1861, $43,372.36;

For the installments of interest on the permanent orphan fund, as invested and uninvested, for July, 1860, and January and July, 1861, $4,500;

For the installments of interest on the permanent school fund, as invested, for July, 1860, and January and July, 1861, $17,772.

And it not being desired by the Confederate States that the Cherokee Nation should continue to receive these annual sums of interest or the said arrearages from the Government of the United States, or otherwise have any further connection with that Government; therefore the said Confederate States of America do hereby assume the payment for the future of the annual interest on the said sum of $5,000, part of the permanent orphan fund, which was never invested, and on so much and such parts of said principal sums as, having once been invested, may now be in the hands of the United States uninvested; and also of the annual interest on so much and such parts of the said several principal sums as may have been invested in stocks of the United States or in the bonds or stocks of any of the States other than the said Confederate States; and do agree and bind themselves regularly and punctually hereafter, on the first day of July in each and every year, to pay the same; and they do also agree and bind themselves to pay to the treasurer of the Cherokee Nation, immediately upon the complete ratification of this treaty, the said sum of $65,644.36 for such interest and arrearages now due and which will be due on the first day of January, A. D. one thousand eight hundred and sixty-two, as are above stated.

And the said Confederate States of America do hereby assume the duty and obligation of collecting and paying over as trustees to the said Cherokee Nation all sums of money not hereby agreed to be assumed and paid by them, accruing whether from interest or capital of the bonds of the several States of the Confederacy now held by the Government of the United States as trustee for the Cherokee Nation, and the said interest and capital, as collected, shall be paid over to the said Cherokee Nation.

And the said Confederate States will request the several States of the Confederacy whose bonds are so held to provide by legislation or otherwise that the capital and interest of such bonds shall not be paid to the Government of the United States, but to the Government of the Confederate States in trust for the said Cherokee Nation.

And the said Confederate States of America do hereby guarantee to the said Cherokee Nation the final settlement and full payment upon and after the restoration of peace and recognition of their independence as of debts in good faith and conscience, as well as in law, due and owing on good and valuable consideration, by the said Confederate States and other of the United States jointly before the secession of any of the States, of any and all parts of the said several principal sums of money which may have remained uninvested in the hands of the United States, or which may have been again received by them after investment and may now be held by them; and do also guarantee to the said Cherokee Nation the final settlement and full payment, at the same period, of the capital of any and all bonds or stocks of any State not a member of the Confederacy and of any and all stocks of the United States in which any of the Cherokee funds may have been invested.

ART. XLVI. All the said annual payments of interest and the arrearages shall be applied under the exclusive direction of the legislative authority of the Cherokee Nation, to the support of their Government, to the purposes of education, to the maintenance of orphans, and to such other objects for the promotion and advancement of the improvement, welfare, and happiness of the Cherokee people and their descendants as shall to the Legislature seem good, the same being in accordance with treaty stipulations and maintaining

unimpaired the good faith of the Cherokee Nation to those persons and in regard to those objects for whom and which it has become trustee. And the capital sums aforesaid shall be invested or reinvested with any other moneys hereby guaranteed, after the restoration of peace, in stocks of the States of the Confederacy, at their market price, and in such as bear the highest rate of interest, or shall be paid over to the Cherokee Nation after reasonable notice, to be invested by its authorities as its legislature may request. And no department or officer of the Government of the Confederate States shall hereafter have power to impose any conditions, limitations, or restrictions on the payment to the said nation of any [of] said annual sums of interest, or of any arrearages, or in any wise to control or direct the mode in which such moneys when received by the authorities of the nation shall be disposed of or expended.

ART. XLVII. Whereas, by the treaty of the twenty-ninth day of December, A. D. one thousand eight hundred and thirty-five, the United States of America in consideration of the sum of $500,000, part of the sum of $5,000,000 agreed by that treaty to be paid to the Cherokee Nation for the cession of all their lands and possessions east of the Mississippi River, did covenant and agree to convey to the Cherokees and their descendants by patent in fee simple the certain tract of land between the State of Missouri and the Osage Reservation, the boundary line whereof it was provided should begin at the southeast corner of the said Osage Reservation and run north along the east line of the Osage lands fifty miles to the northeast corner thereof; thence east to the west line of the State of Missouri; thence with that line south fifty miles, and thence west to the place of beginning, which tract of country was estimated to contain 800,000 acres of land; and

Whereas, the same has been seized and settled upon by lawless intruders from the Northern States, and may become totally lost to the Cherokees:

Now, therefore, it is further hereby agreed between the parties to this treaty that in case the said tract of country should be ultimately lost to the Cherokees by the chances of war, or the terms of a treaty of peace or otherwise, the Confederate States of America do assure and guarantee to the Cherokee Nation the payment therefor of the said sum of $500,000, with interest thereon at the rate of 5 per cent. per annum from the said twenty-ninth day of December, A. D. one thousand eight hundred and thirty-five, and will either procure the payment of the same by the United States or pay the same out of their own Treasury after the restoration of peace.

ART. XLVIII. At the request of the authorities of the Cherokee Nation, and in consideration of the unanimity and promptness of their people in responding to the call of the Confederate States for troops, and of their want of means to engage in any works of public utility and general benefit, or to maintain in successful operation their male and female seminaries of learning, the Confederate States do hereby agree to advance to the said Cherokee Nation immediately after the ratification of this treaty on account of the said sum to be paid for the said lands mentioned in the preceding article the sum of $150,000, to be paid to the treasurer of the nation and appropriated in such manner as the Legislature may direct; and to hold in their hands as invested for the benefit of the said nation the further sum of $50,000, and to pay to the treasurer of said nation interest thereon annually on the 1st day of July in each year, at the rate of 6 per

cent. per annum, which shall be sacredly devoted to the support of the said two seminaries of learning, and to no other purpose whatever.

ART. XLIX. It is further ascertained and agreed by and between the Confederate States and the Cherokee Nation that the treaty of the sixth day of August, A. D. one thousand eight hundred and forty-six, was negotiated and concluded with the United States by three several parties; that is to say, the Cherokee Nation by delegates appointed by its constituted authorities, that portion of the nation known as "the treaty party," being those who made and those who agreed to the treaty of the year one thousand eight hundred and thirty-five, and "the Western Cherokees" or "Old Settlers," being those who had removed west prior to the date of that treaty and were then residing there; that the said three parties, by their delegates, after the making of the said treaty of the year one thousand eight hundred and forty-six borrowed from Corcoran & Riggs, bankers in the city of Washington, the sum of $60,000 upon agreement indorsed by the Secretary of War, by which the same was to be repaid with interest when the moneys payable under said treaty should be appropriated, as follows, that is to say: $25,000 by the treaty party, $20,000 by the Western Cherokees or Old Settler party, and $15,000 by the Cherokee Nation; that at the session of Congress next after the making of that treaty the sum of $27,000 for the Cherokee Nation was appropriated under the eighth article of the same, and the sum of $100,000 under the sixth article for the treaty party; but no appropriation was made for the Western Cherokees or Old Settler party under the fourth article (whereunder only any moneys were payable to them), the amount due them, and which was to be wholly paid per capita under that article, not having as yet been ascertained; that consequently the sum borrowed as aforesaid, with the accrued interest, was repaid out of the two appropriations aforesaid, one-half of the principal and interest which should have been paid by the Western Cherokees or Old Settler party being deducted from and paid out of the appropriation made for each of the others; and there being thus paid out of the moneys so appropriated under the eighth article for various purposes for the whole nation over and above its proportion the sum of $10,300, and out of the moneys appropriated under the sixth article for those of the treaty party who had sustained losses and damage in consequence of the treaty of the year one thousand eight hundred and thirty-five, over and above the proportion of that party, a like sum of $10,300; that when afterward the amount ascertained to be due to the Western Cherokees or Old Settlers, under the fourth article, was appropriated, the whole amount was paid to and distributed among them per capita, and no part of the sum so advanced for them out of the other and previous appropriations was reserved, nor has any part thereof whatever hitherto been reimbursed to those entitled to receive the same by the Western Cherokees or by the United States, or otherwise howsoever—

Therefore, it is further hereby agreed that the Confederate States will pay, upon the ratification of this treaty, to the Cherokee Nation the sum of $10,300; and will also appropriate and place in the hands of the agent for the Cherokees the further sum of $10,300, to be distributed among the claimants of the treaty party, provided for by the sixth article of the said treaty, or their legal representatives under the laws of the nation, in such proportions as it shall be certified to him by Stand Watie, the only surviving member of the committee

of five appointed under that article to audit such claims, that it ought, in accordance with the allowances made by the committee, to be distributed among them.

And it was agreed by the said eighth article of the said treaty of the year one thousand eight hundred and forty-six that of the sum of $27,000, provided thereby to be paid to the Cherokee Nation, the sum of $5,000 should be equally divided among all those whose arms were taken from them previous to their removal west, by order of an officer of the United States, and of that sum of $5,000, $3,300 was applied to the payment in part of the proportion of the money borrowed as aforesaid, due by the Western Cherokees or Old Settler party; and as the authorities of the nation declined to receive the residue of said sum of $5,000, it being but $1,700, and that residue never was paid by the United States, and still remains due by them—

Therefore, it is hereby further agreed that the Confederate States will also pay, upon the ratification of this treaty, to the treasurer of the Cherokee Nation, the further sum of $1,700, making, with the said sum of $10,300, the sum of $12,000; and that out of the same the sum of $5,000 shall, by the authorities of the nation, be distributed among those persons and their legal representatives whose arms were taken from them as aforesaid; and that any part of that sum finally remaining undistributed, together with the residue of $7,000, shall be used and appropriated in such manner as the national council shall direct.

ART. L. It is hereby further agreed that all claims and demands against the Government of the United States in favor of the Cherokee Nation or any part thereof, or of any individuals thereof, and which have not been satisfied, released, or relinquished, arising or accruing under former treaties, shall be investigated upon the restoration of peace, and be paid by the Confederate States, which do hereby take the place of the United States and assume their obligations in that regard.

ART. LI. It is further agreed between the parties that all provisions of the treaties of the Cherokee Nation with the United States, which secure or guarantee to the Cherokee Nation or individuals thereof any rights or privileges whatever, and the place whereof is not supplied by, and which are not contrary to, the provisions of this treaty, and so far as the same are not obsolete or unnecessary, or repealed, annulled, changed, or modified by subsequent treaties or laws, or by this treaty, are and shall be continued in force, as if made with the Confederate States.

ART. LII. In further evidence of the desire of the Confederate States to advance the individual interests of the Cherokee people, it is further agreed that the Delegate in Congress from the Cherokee Nation may, with the approbation of the President, annually select one youth, a native of the nation, who shall be appointed to be educated at any military school that may be established by the Confederate States, upon the same terms as other cadets may be appointed. And the Confederate States also agree that the same privilege shall be exercised by the Delegate from the Choctaw and Chickasaw Nations and the Creek and Seminole Nations, respectively.

ART. LIII. A general amnesty of all past offenses against the laws of the United States, and of the Confederate States, committed in the Indian country before the signing of this treaty, by any member of the Cherokee Nation, as such membership is defined by this treaty, is

hereby declared; and all such persons, if any, whether convicted or not, imprisoned or at large, charged with any such offense, shall receive from the President full and free pardon, and be discharged.

ART. LIV. A general amnesty is hereby declared in the Cherokee Nation; and all offenses and crimes committed by a member or members of the Cherokee Nation against the nation, or against an individual or individuals, are hereby pardoned, and this pardon and amnesty shall extend as well to members of the nation now beyond its limits as to those now resident therein.

ART. LV. This treaty shall take effect and be obligatory upon the contracting parties from the seventh day of October, A. D. one thousand eight hundred and sixty-one, whenever it shall be ratified by the general council of the Cherokee Nation and by the Provisional President and Congress, or the President and Senate of the Confederate States; and no amendment shall be made thereto by either, but it shall be wholly ratified or wholly rejected.

In perpetual testimony whereof the said Albert Pike, as commissioner with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms, and the said principal and assistant principal chiefs, executive councilors and special commissioners, on the part of the Cherokee Nation, do hereunto set their hands and affix their seals.

Thus done and interchanged in duplicate, at the place, in the year, and on the day in the beginning hereof mentioned.

[SEAL.] ALBERT PIKE,
Commissioner of the Confederate States to the Indian Nations West of Arkansas.

Jno. Ross, principal chief; J. Vann, assistant chief; James Brown, executive councilor; John Drew, executive councilor; Will. P. Ross, executive councilor; Lewis Ross, commissioner Cherokee Nation; Thomas Pegg, commissioner Cherokee Nation; Richard Fields, commissioner Cherokee Nation.

Signed, sealed, and delivered in presence of us.
Wm. Quesenbury, secretary to the commissioner; E. Rector, Superintendent Indian Affairs, Confederate States; W. Warren Johnson, Geo. M. Murrell.

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RATIFICATION.

Resolved (*two-thirds of the Congress concurring*), That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a treaty made by Albert Pike, commissioner of Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Cherokee Nation of Indians, by its principal and assistant principal chiefs, executive councilors and commissioners, for that purpose only, authorized and empowered, of the other part, concluded at Tahlequah, in the Cherokee Nation, on the seventh day of October, A. D. one thousand eight hundred and sixty-one, with the following amendments:

I. Add at the end of Article XXXV the following words, "and the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article in respect to suits and proceedings in their respective courts."

II. Strike out from Article XLIV the following words, "the same rights and privileges as may be enjoyed by Delegates from any Territories of the Confederate States to the said House of Representatives," and insert in lieu thereof the following words, "a seat in the hall of the House of Representatives, to propose and introduce measures for the benefit of the said nation, and to be heard in regard thereto, and on other questions in which the nation is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

III. Strike out from Article XXXIII the following words, "or of a State," and insert in lieu thereof the following words, "or of a State, subject to the laws of the State."

NOTE.—The foregoing amendments were subsequently concurred in and adopted by the Cherokee Nation.

HEADQUARTERS ARMY OF THE POTOMAC,
Fairfax, October 7, 1861.

His Excellency President DAVIS,
Richmond, Va.:

Mr. PRESIDENT: I beg leave to call your attention to a large field for operation for the system of signaling on which I have been engaged. It is in our harbors along the whole threatened coast, in putting our forts, cities, and lookouts in communication with each other, what we are now unable to do for want of insulated wire. I have instructed in the system my two brothers, Maj. W. F. Alexander and Private James H. Alexander, Ninth Georgia Volunteers, the latter of whom is now one of my assistants. Besides these, I have here about ten well-instructed privates and one lieutenant (Barker, of the First Virginia Volunteers), and I could send several of the former (three or four) to any places you might wish. It would, of course, be much better to send commissioned officers, and in this connection I may say that Major Alexander, I am sure, would like this service. I have applied for a commission for Private Alexander to associate him more fully with me and to be able to send him on some detached service with the Maryland shore. Several other privates in my employ are in every way suitable for commissions should you ever desire such officers. The Mr. Bryan of whom I spoke to you has returned safely and is about going back for another plan of communication, which we are perfecting with the aid of a most promising female accomplice. I will inform you of the plan when arranged.

I am, sir, very respectfully, your obedient servant,

E. P. ALEXANDER,
Captain of Engineers.

[Indorsement.]

SECRETARY OF WAR:

The system of signals referred to within is valuable in many positions and contingencies. It would be well to have officers or persons instructed and attached to the various divisions of the Army. On the Mississippi River it will enable troops on the opposite banks to communicate. At Pensacola it might be of vital importance. Staff officers, particularly those of the Adjutant-General's corps, should be instructed in this method of transmitting intelligence.

JEFF'N DAVIS.

[OCTOBER 8, 1861.—For Benjamin to Clark, in relation to a call for militia from certain counties of North Carolina, for local defense, see Series I, Vol. LI, Part II, p. 337. In same connection, see also Benjamin to Clark, September 23, 1861, and Clark to Benjamin, October 3, 1861, Series I, Vol. IV, pp. 655, 667.]

[OCTOBER 8, 1861.—For Magruder to Letcher, in relation to calling out the militia in certain counties of Virginia, see Series I, Vol. IV, p. 675.]

QUARTERMASTER-GENERAL'S DEPARTMENT,
Richmond, Va., October 10, 1861.

Hon. J. P. BENJAMIN,
Acting Secretary of War:

SIR: I hoped until lately that materials for clothing the troops could be procured within the Confederate States, augmented by those ordered and expected from Europe; but so great has been the demand upon this department for the last month, it is obviously important that we should make arrangements for getting supplies from Europe through an agent belonging to the C. S. Army, especially if the war is to continue for any length of time. Within the last month several propositions upon this subject have been made to me, but all have involved speculative prices, predicated upon the risk and advances in money necessary for the purchase of the supplies. In the last forty days the prices of materials for clothing have advanced about 100 per cent. If the Government relies upon private enterprise the rates which will be charged by the successful importer will be based upon the market value here, as is verified by the prices charged by the consignees of the Bermuda. It is not expected that any responsible party would undertake the risk, unless in the hope of realizing such profits. I am of the opinion that it will be decidedly advantageous to the Government to send an agent to Europe on whose competency and integrity we can rely, with authority to purchase materials. I believe this would reduce the expenses of clothing the troops very materially. I suggest in furtherance of this view that bills may be drawn in this country, payable to the orders of Mr. Mason, in London, or Mr. Slidell, in Paris, who might pay the drafts of our agent when satisfied that the goods were purchased and in his possession, or the agent might contract with manufacturers or large holders for the delivery of the goods in this country at their risk, with the privilege of receiving and shipping cotton to the amount of purchases from them. If the Department approves these views I could detail for the duty Maj. J. B. Ferguson, an officer of the Quartermaster's Department, who will discharge his duty with fidelity.

Very respectfully, your obedient servant,

A. C. MYERS,
Acting Quartermaster-General.

[OCTOBER 12, 1861.—For Jackson to Davis, in relation to a treaty, offensive and defensive, between the Confederate States and Missouri, see Series I, Vol. III, p. 717.]

CONFEDERATE STATES OF AMERICA, TREASURY DEPT.,
Richmond, October 15, 1861.

The COMMISSIONERS APPOINTED TO RECEIVE SUBSCRIPTION TO THE PRODUCE LOAN:

GENTLEMEN: Inquiries have been made from various quarters—first, whether during the continuance of the blockade effort should be made to procure further subscriptions; second, whether the Government will authorize promises to be held out of aid to planters as an inducement to such further subscriptions. The first inquiry seems to imply a misunderstanding of the scheme of the subscriptions. Many persons have supposed that the Government was to have some control of the produce itself; others, that the time of sale appointed by the subscription was to be absolute and unconditional. The caption at the head of the lists when examined will correct both these errors. The subscription is confined to the proceeds of sales, and contains an order on the commission merchant or factor of the planter to pay over to the Treasurer the amount subscribed in exchange for Confederate bonds. The transaction is simply an agreement by the planter to lend the Government so much money, and in order to complete the transaction a time and place are appointed when and where the parties may meet to carry it out. The important point is that it shall certainly be completed at some time, and that is secured by the engagement of the planter. Whether that time be December or June is simply a question of convenience, and works no injury to either party. The Government is sure of the eventual payment, and derives from that certainty so much credit; and it loses nothing because it gives its bond only when the money is paid. It is obvious, therefore, that the subscriptions are quite as valuable to the Government during the blockade as after it. The blockade simply suspends the completion of the engagement. It becomes the interest of both parties to wait for a good price, and the Government will readily consent to a postponement of the sale. You perceive, therefore, that it is desirable to continue your exertions to increase the subscriptions, and you are authorized to say that the Government will consent to a reasonable extension of the time appointed for sales. Second. The next inquiry is as to a promise of material aid from the Government to the planters. In answering this inquiry I am to speak in advance of any action of Congress. What that body may see fit to do it is not for me to determine. I can express merely the views of this Department, and these must govern your action until reversed by a higher authority. It would be a sufficient answer to the inquiry to say that the action of the Government is settled by the Constitution. No power is granted to any department to lend money for the relief of any interest. Even the power of Congress in relation to money is confined to borrowing, and no clause can be found which would sanction so stupendous a scheme as purchasing the entire crops with a view to aid its owners. But it may be said that the Constitution of the Provisional Government may be altered by Congress, and that it is the duty of this Department to prepare the way for each alteration if, in its judgment, the financial necessities of the country demand the change. I am not disposed, then, to close the inquiry with the abrupt answer thus made by the Constitution, and will proceed to consider the subject upon its intrinsic merits. Two plans of relief have been proposed.

The one is that the Government should purchase the entire crops of the country; the other that an advance should be made of part of its value. In either case the payment is to be made by the issue of Treasury notes, and, therefore, if we put aside for the present the many and serious objections to the possession, transportation, and management of the crop by the Government, it becomes simply a question of amount. To purchase the whole crop would require its whole value less the amount of the subscriptions made to the Government. If we estimate the whole crop of cotton at $200,000,000 and the subscriptions at $50,000,000, the purchase would then require $150,000,000 of Treasury notes; and if to this sum be added the amount of values for other agricultural products, which would certainly claim the same benefit, the sum required would probably reach $175,000,000. The amount called for by the other plan of making an advance would depend upon the proportion of that advance. Few of the advocates of this plan have put it lower than 5 cents per pound on cotton, and at the same rate on other produce. It may, therefore, be very fairly set down at about $100,000,000.

If we consider first the least objectionable of these plans, it is certainly that which requires the smallest sum, and if this be found impracticable, the larger must necessarily be rejected. Our inquiry, then, may be narrowed down to a proposal that the Government should issue $100,000,000 of Treasury notes, to be distributed among the planting community, upon the pledge of the forthcoming crop. The first remarkable feature in this scheme is that it proposes that a new government, yet struggling for existence, should reject all the lessons of experience and undertake that which no government, however long established, has yet succeeded in effecting. The "organization of labor" has called forth many ingenious attempts, both speculative and practical, among well-established governments, but always with disastrous failure. With us, however, the experiment is proposed to a new government, which is engaged in a gigantic war, and which must rely on credit to furnish means necessary to carry on that war. Our enemies are in possession of the munitions and workshops which have been collected during forty-five years of peace; their fleets have been built up at our joint expense. With all these on hand, they yet are obliged to expend nearly $10,000,000 per week to carry on the war. Can we expect to contend with them at less than half that expenditure? Supposing that it may require $200,000,000, then the proposal is that at a time when we are called upon to raise this large sum for the support of the Government we shall raise a further sum of $100,000,000 for the benefit of the planting interest. For it must be observed, first, that the Government receives no benefit whatever from this advance. The money is paid to each individual planter, and in exchange the Government receives only his bond or note; if the cotton be purchased, the Government receives only certain bales of cotton. That is to say, the Government pays out money, which is needful to its existence, and receives in exchange planters' notes or produce, which it does not need and cannot in any way make use of.

It must be observed, in the next place, that Treasury notes have not become the currency of the country. They are, therefore, at present the measure of value. In this view it is the duty of the Government to limit their issue, as far as practicable, to that amount which is the limit of its currency. Every person acquainted with this branch of political science is aware that if the currency passes this point it not

only becomes depreciated, but it disturbs the just relations of society precisely as though an arbitrary authority should change the weights and measures of the country. If the currency of a country should be suddenly extended from $100,000,000 to $200,000,000, that which was measured by $1 is now measured by $2, and every article must be rated at twice its former price. Of course all contracts must be disturbed. The debt incurred before the increase is discharged by paying one-half its former value, and each article purchased must be paid for at double its former price. The Government, from the necessities of war, is the largest purchaser, and thus, by a kind of suicidal act, compels itself to pay $2 for what $1 would have formerly purchased. And at this rate of advance $200,000,000 can effect no more than $100,000,000 would have effected before; or, in other words, $100,000,000 are actually sunk in the operation. Such a condition of the currency the Government has anxiously endeavored to guard against. The war tax was laid for the purpose of creating a demand for Treasury notes and a security for their redemption. The redundance has been carefully guarded against by allowing them to be funded in 8 per cent. bonds. If necessity shall compel the Government to issue for the defense of the country, and to keep out $200,000,000, it is plain that even accession must impair, and may defeat, all these precautions. If the Government should undertake, for the sake of private interests, an increase of issues, it may hazard its entire credit and stability. The experiment is too dangerous, and relief for the planters must be sought in some other direction. And may not the remedy be found? In the first place, let the planters immediately take measures for winter crops, to relieve the demand for grain and provisions. Let them proceed to divert part of their labor from cotton, and make their own clothing and supplies. Then let them apply to the great resource presented by the money capital in banks and private hands. Let this capital come forward and assist the agricultural interest. Heretofore the banks have employed a large part of their capital in the purchase of Northern exchange. Let them apply this portion to factors' acceptances of planters—drafts secured by the pledge of produce in the planters' hands. An extension of the time usually allowed on these drafts would overcome most of the difficulties. The extension could safely reach the probable time of sale of the crops, inasmuch as the suspense of specie payments throughout the entire Confederacy relieves each bank from calls for coin. The banks are accustomed to manage loans of this character, and will conduct the operation with such skill as will make them mutually advantageous. The amount of advance asked from the banks would be greatly less than if advances were offered by the Government, and all the abuses incident to Government agencies would be avoided. It seems to me, therefore, that it is neither necessary nor expedient that the Government should embark upon this dangerous experiment. It is far better that each class of the community should endeavor to secure its own existence by its own exertions, and if an effort be at once made by so intelligent a class as the planters it will result in relief. Delay in these efforts, occasioned by vague expectations of relief from the Government, which cannot be realized, may defeat that which is yet practicable.

Respectfully, your obedient servant,

C. G. MEMMINGER,
Secretary of the Treasury.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 15, 1861.

Capt. CALEB HUSE and
Maj. EDWARD C. ANDERSON,
Liverpool:

GENTLEMEN: This letter will be handed to you by Col. John L. Peyton, who goes to Europe as the agent of the State of North Carolina for the purchase of arms and munitions of war for that State. You are requested to extend to Colonel Peyton any aid in your power toward the accomplishment of his mission, and to furnish him, if possible, conveyance for the articles purchased by him on board the same vessels as may be employed to bring over the articles purchased for this Government. You will, of course, however, if there be not room for both, give the preference to our own purchases.

Your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

[OCTOBER 15, 1861.—For Harris to Davis, in relation to the requisition of A. S. Johnston for 30,000 men, &c., see Series I, Vol. IV, p. 449.]

HEADQUARTERS SOUTH CAROLINA,
October 16, 1861.

Capt. J. L. BLACK:

SIR: I am instructed by His Excellency Governor Pickens to say to you that if the Secretary of War will make a requisition upon him in writing for five additional cavalry companies, to be mustered into the Confederate service "for the war," he will at once give his consent and make proclamation for the same, so that all captains of companies desiring to enter the service may be put on an equal footing in the matter.

Respectfully and truly, yours,

F. J. MOSES, JR.,
Private Secretary.

[OCTOBER 16, 1861.—For order of Governor Harris, directing transfer of certain Tennessee troops to the Confederate service, see Series I, Vol. LII, Part II, p. 176.]

[OCTOBER 16, 1861.—For Benjamin to A. S. Johnston, in relation to proclamation of latter calling for troops from Mississippi and other States, &c., see Series I, Vol. IV, p. 452.]

SURGEON-GENERAL'S OFFICE,
October 18, 1861.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: I ask to present the following report: Instructions were issued from this office some time since to the different Army medical directors to carry out to their fullest extent the regulations of the depart-

ment respecting their duties, more especially those relating to the police of camps, and to insist that proper hygienic regulations be rigidly enforced. It is believed that the suggestions of the medical directors have not been acted on in very many instances, or, if they have, the effort was of a spasmodic character, and soon ceased, and thus much opprobrium cast on the Medical Department which it does not deserve. This neglect of duty is not with the department, but rests with those officers of the regiments who have failed to carry out and adopt the proper measures and suggestions to insure the health of the troops. The Adjutant-General was requested September 1, from this office, to issue to the generals in the field an order to enforce rigid rules of police in their camps, in the hope of diminishing the sickness then so prevalent; and it is now respectfully suggested to the War Department that orders be published to the different commanding generals that cleanliness of the men should be attended to. Daily ablutions should never be omitted, especially of face, neck, chest, and arms. Bathing should be used whenever the opportunity permits.

Much attention should be paid to the food of the soldier, and to effect this desirable end each company should have a proper mess, and the men of the company not permitted to form messes of from four to six men, as by the latter process the food is not well cooked, which is of essential importance. It is the duty of the surgeon of a regiment to insist that these hygienic rules be enforced, and captains of companies should attend to the comforts of the men. It was suggested to the late Secretary of War that biscuit or hard bread should form the common article of diet in camp life, as it is easily preserved, and that, if possible, fresh bread should be furnished the troops. When straw or hay is used for bedding it should be renewed as frequently as possible. The straw should be well beaten and thoroughly aired every day. Great cleanliness should be maintained in and around the tents, and these should be struck every three or four days for the purpose of purification. This will go far to preserve the health and efficiency of the command. All garbage should be daily removed, and sinks established and the men of the command be compelled to use them. A camp, whenever possible, should be removed to a new situation, and at a convenient distance, so as to obviate the poisonous emanations produced by the prolonged sojourn of a large number of men and animals. To insure the carrying out of these instructions the inspecting generals of armies should make frequent and rigid inspections, and all delinquents be promptly reported to the Adjutant-General.

The attention of the War Department is likewise called to the sending from Manassas of 400, 500, and 600 sick men by one train of cars. Under such circumstances it is impossible to give the proper care and attention to so large a number of invalids. The number of sick men should not exceed 100 at a time, except in extraordinary cases. In some instances, instead of sending the given number of sick men, as the medical officer who was to receive them was induced to believe would be sent him, the number was largely increased, which necessarily produced much annoyance and distress both to the medical attendant and his patients. The medical director at Manassas, having been directed to prevent, if possible, the occurrence of this evil, reports that by means of a guard this will in future not occur.

In conclusion, I would state that while there has perhaps been much sickness which could have been avoided, yet the experience of all military life shows that new troops, whether regulars or volunteers,

are sick in vast numbers during the early period of their service. This predisposition to sickness in the entirely new circumstances of life, exposure, &c., together with the epidemic of measles (a disease which our men, in consequence of the sparse population of the South, had not previously contracted), should have prepared us to expect a large amount of unavoidable sickness in our armies.

I am, very respectfully, your obedient servant,

S. P. MOORE.

[OCTOBER 18, 1861.—For Milton to Davis, in relation to organization of troops and other military affairs in Florida, see Series I, Vol. VI, p. 290.]

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., October 19, 1861.

Hon. J. P. BENJAMIN,
Acting Secretary of War, Richmond, Va.:

SIR: Expecting that Georgia will, as far as may be in her power, endeavor to clothe her troops who are in the Confederate service, in conformity with the act of Congress (No. 256 of the third session, Provisional Congress, held at Richmond, p. 50),* I address you this note, respectfully asking your construction of said act on certain points. First. Where a State shall clothe her own troops, will the clothing be required in uniforms or will any substantial woolen clothing do? As you are aware, it is now difficult to supply clothing in uniforms. Second. How is the money value of the clothing to be ascertained and agreed upon, and what evidence will be required of its delivery by the State? Third. Will it be paid for to the State furnishing it on delivery to the commanding officer of a company or regiment, or must the clothing be delivered to each member of such company or regiment? Should the latter be required, it will be difficult, if not impracticable, to effect the delivery, as some members of a given company might be away from the main body on picket or other special duty. Your response to these inquiries will oblige me much.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH E. BROWN.

Regulations concerning substitutes in the Army.

WAR DEPARTMENT,
Richmond, October 20, 1861.

1. When any non-commissioned officer or soldier of the volunteer service desires to procure a substitute he shall first obtain the written consent of the captain of his company and of the commander of his regiment or corps, a duplicate of which he shall forward to the substitute.

2. The substitute shall then obtain from some surgeon and some commissioned officer in the service of the C. S. Army certificates of his fitness for service and of his having been mustered into the service of the Confederate States for the war, no matter what the term of

*Act approved August 30, 1861. See p. 584.

service of his principal may be, and these several certificates shall serve as a passport to the holder to join the regiment or corps to which his principal belongs, he paying the expenses of his own transportation.

3. When a non-commissioned officer or soldier is entitled to discharge by reason of a substitute, the captain of his company and the commander of his regiment or corps shall give him a certificate to that effect, stating that the substitute furnished according to regulations is actually on duty with the regiment or corps; that the holder of the certificate is in nowise indebted to the Confederate States, and that he is not entitled to transportation at the expense of the Government; and this certificate shall serve the holder as a passport to leave the camp and travel to his home.

4. If it should be found that a non-commissioned officer or soldier discharged by reason of a substitute is indebted to the Government, the commander of the regiment or corps giving the discharge will be held accountable for the same, and any back pay due said non-commissioned officer or soldier shall be drawn and receipted for by his substitute at the next pay day.

5. Commanders of regiments or corps shall under no circumstances permit substitutes in their commands to exceed one per month in each company, and all such cases shall be noted in the following morning report of the regiment or corps in which they occur and in the next muster-roll and monthly return.

J. P. BENJAMIN,
Acting Secretary of War.

GENERAL JACKSON'S BRIGADE,
Centerville, October 21, 1861.

SECRETARY OF WAR:

SIR: Having heard some time since of the arrest by the enemy of an individual on whose person were found plans for the destruction of the enemy's ships of war, I thought that it might be possible to replace by others these plans, and although I can scarcely hope to have invented an apparatus that possesses equal merits with that gentleman's, still I have so far succeeded in my own mind as to induce me to write to you on the subject. I have invented an instrument of war which for a better name I have called a submarine gun-boat. In many of its details I have not hesitated to adopt the plans of others, believing it far better to use machinery that has been found to be useful than to try to make a perfectly novel boat. I have thus greatly reduced the chances of a failure. As I have endeavored to avoid all chimerical plans, no one can consistently call me a visionary. In fact, my gun-boat can hardly be called the work of an inventor but rather that of a mechanic, so little is there in it that has not been used before in some form or other. My plan is simple. A vessel is built of boiler iron of about fifty tons burden, similar to Winans' cigar steamer, but made of an oval form with the propeller behind. This is for the purpose of having as little draft of water as possible for the purpose of passing over sand-bars without being observed by the enemy. The engines are of the latest and best style so as to use as little steam as possible in proportion to the power received. The boilers are so constructed as to generate steam without a supply of air. The air for respiration is kept in a fit condition for breathing by

the gradual addition of oxygen, while the carbonic acid is absorbed by a shower of lime water. This I conceive is far better than taking down a large supply of compressed air as is done in some cases, requiring larger vessels in proportion to the men and of course additional machinery. I propose to tow out my gun-boat to sea and when within range of the enemy's guns it sinks below the water's surface so as to leave no trace on the surface of its approach, a self-acting apparatus keeping it at any depth required. When within a few rods of the enemy it leaps to surface and the two vessels come in contact before the enemy can fire a gun. Placed in the bow of the gun-boat is a small mortar containing a self-exploding shell. As it strikes the enemy the shell explodes and blows in the ship's sides; then the engines are reversed, the gun-boat sinks below the surface and goes noiselessly on its way toward another ship. After a few ships are sunk the enemy can scarcely have the temerity to remain in our waters. I need not enumerate to you the advantages of such a weapon when England is looking elsewhere for cotton. I have written you on this subject in order to obtain an opportunity to draft out my invention, which with the means at command in Richmond can be done in a week at most. Before having it inspected by a committee of practical men a favorable answer to this will insure me a leave of absence, when I will at once report at Richmond and perfect my invention, either alone or in conjunction with a person you may select. As for making the drawings in the army with accuracy it is almost impossible, since neither the paper, instruments, nor necessary tables can be procured.

Yours, &c.,

CHARLES P. LEAVITT,
Company K, Second Virginia Regiment.

[Indorsement.]

OCTOBER 26, 1861.

I recommend that this man be granted furlough to come on here, and in this office or that of the Chief Engineer's draw out his plans.*

J. GORGAS,
Lieutenant-Colonel and Chief of Ordnance.

SPECIAL ORDERS, No. 186.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, October 22, 1861.

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V. Leaves of absence to members of the Legislatures of the different States to cover the legislative sessions will be granted, upon application, by the respective commanders of the forces to which they belong.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

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*He was discharged the military service by paragraph X, Special Orders, No. 250, Adjutant and Inspector General's Office, December 2, 1861, "his labor being required for other important Government work."

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 25, 1861.

Governor JOSEPH E. BROWN,
Milledgeville, Ga.:

SIR: I have the honor to acknowledge receipt of Your Excellency's letter of October 19, and to reply: First. It is not required that clothing furnished by States shall be uniform in order to be accepted. Second. Commutation is allowed for clothing furnished at the rate of $25 for six months, payable to the captains of companies (or commanding officers) upon vouchers rendered to the Quartermaster-General's Department that their men are furnished with clothing according to regulation for the time specified. I inclose to Your Excellency a copy of the regulation in regard to the clothing of volunteers, and also a copy of a circular letter recently printed, in the fourteenth section of which the subject of commutation of clothing is embraced.

I have the honor to be, sir, your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

[OCTOBER 25, 1861.—For Benjamin to A. S. Johnston, in relation to organization of troops and other military matters, see Series I, Vol. IV, p. 473.]

EXECUTIVE DEPARTMENT,
Montgomery, Ala., October 28, 1861.

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES:

The constitution provides that "on extraordinary occasions the Governor may convene the General Assembly at the seat of government." Under this authority my proclamation calling an extraordinary session of the Legislature was issued. It is proper that you should be advised as to the reasons which induced this action on the part of the Executive. The twenty-eighth section of article 3 of the amended constitution provides that "the General Assembly shall meet annually on such day as may be provided by law, and may continue in session not more than thirty days." It was apparent that the legislation made necessary by the present condition of the State and of the Confederacy could not be perfected within thirty days, and that a called session would be necessary, either in advance of or at the close of the regular session. It was deemed expedient that the Legislature should be convened at this time for reasons which will hereafter appear. Congress at its last session passed an act entitled "An act to authorize the issuance of Treasury notes, and to provide a war tax for their redemption." The fourth section of this act declares that "a war tax shall be assessed, and levied, of 50 cents upon each $100 in value" of the various subjects of taxation therein enumerated. The fifth section requires that a chief collector shall be appointed for each State, whose duty it shall be to divide the State into convenient districts and appoint collectors therefor. These collectors are required to make the assessment by the 1st of November next. The twenty-fourth section is in the following words:

SEC. 24. If any State shall, on or before the 1st day of April next, pay, in the Treasury notes of the Confederate States or in specie, the taxes assessed against

the citizens of such State, less 10 per cent. thereon, it shall be the duty of the Secretary of the Treasury to notify the same to the several tax collectors in such State, and thereupon their authority and duty under this act shall cease.

Should the State determine to pay the amount of taxes that may be assessed, as provided in the act of Congress, by the 1st day of April next, the ways and means of doing so should be determined on at as early a day as practicable. This proposition made to the States by the Confederate Government presents for your consideration a very grave question, and one which is by no means free from difficulties. The deduction of 10 per cent. from the gross amount of taxes assessed is a strong inducement for the State to avail herself of the benefit of the act. In addition to this, our people would be relieved from the calls of the Confederate tax collector, which is no ordinary consideration. This proposition on the part of the Confederate States is not an invasion of the rights of the States, as some have supposed, but is rather a concession to the States, as it permits them to do that which they have no right to do without the consent of the Confederate Government. The argument on the other side of this question, both as to principal and policy, presents very serious difficulties. The rights and powers of the States and of the Confederate Government are plainly and distinctly marked out, and it is always safest and best for each Government to exercise those powers and perform those duties which legitimately belong to it even though there be no constitutional difficulty in the way. The State should never concede to the General Government the exercise of powers not delegated in the Constitution, and they should never, except in cases of absolute necessity, consent to exercise powers or to perform duties which do not properly belong to them. As a general rule it is dangerous in its tendencies, and precedents of this character are to be avoided. The collection of this tax by the State would be an onerous and unpleasant duty, as it imposes upon the State the necessity of enforcing the laws of the Confederate Government against her own citizens, provided it should become necessary to do so. Again, if the State determines to pay the tax to be levied by this act, by the collection of the money from the tax-payers, it will be onerous and oppressive, as the State and Confederate tax must both be collected at the same time, and will amount, according to the best estimate I can make, to about $2,300,000 in the aggregate, about three times the amount of the present State tax. After the most thorough investigation of this question I conclude that the State ought not to pay this tax if to do so it be necessary to collect the amount from the people by the 1st of April next. But if the General Assembly in its wisdom can devise a plan by which it can be paid without collecting it from the people in the present condition of the country, I recommend that it be done. There is no financial measure that would extend greater relief to our people. It may be that this important object can be effected by suspending for the present the appropriations for educational purposes and all others not indispensable for maintaining the State government by the aid of the banks, the sale of State bonds, and the issue to some extent of Treasury notes. With these suggestions I submit the question for your consideration.

BANKS.

Under the provisions of an act approved February 2, 1861, entitled "An act to legalize the suspension of specie payments by certain

banks of Alabama," these banks have paid into the State treasury the several amounts required by said act upon the terms and conditions therein specified, viz:

The Central Bank of Alabama	$191,500
The Commercial Bank of Alabama	106,400
The Eastern Bank of Alabama	63,850
Making a total of	361,750

On the 12th day of September last the Bank of Mobile, the Southern Bank of Alabama, and the Northern Bank of Alabama, at my suggestion and request, suspended specie payments, which subjected them to the provisions of the seventh section of the act referred to. They promptly complied with said provisions, so far as required, and placed to the credit of the treasurer of the State the following amounts:

The Bank of Mobile	$219,150
The Southern Bank of Alabama	112,800
The Northern Bank of Alabama	81,400
Making a total of	413,350

These banks in February last purchased bonds of the State, and paid therefor in specie funds the following amounts:

The Bank of Mobile	$100,433.34
The Southern Bank of Alabama	100,433.34
The Northern Bank of Alabama	25,000.00

As these banks have with great promptness responded to my request to purchase the bonds of the State, I deemed it but just to them to deduct the amount of bonds purchased by them from the amount the suspension act required them to pay into the treasury. I therefore recommend that the amount so taken by each of these banks be considered as so much paid under the suspension act, and that they be required to exchange the bonds purchased by them, and upon which the interest is payable semi-annually, for the bonds provided for in said act, upon which the interest is payable annually. I also recommend that interest be allowed to all the banks from the date of the payments by them, respectively, of the amounts required by the act legalizing their suspension, and that the time for the resumption of specie payments by them be extended. It is manifest that the assistance of the banks is indispensable in furnishing means to aid the State and the Confederacy in the great contest in which they are now engaged, and it is equally clear that they cannot continue to extend that aid if compelled to resume specie payments, as required by law. These banks having suspended for the purpose of furnishing pecuniary aid to the State, and at the request of the Executive, and as the State must rely upon them for further assistance, it is proper, in my opinion, that they be allowed interest on their money, to be paid when they resume specie payments.

STATE BONDS.

The amount of State bonds disposed of by the State under acts of the last Legislature is $975,066.68. Of this amount the banks have taken $945,066.68 and individuals $28,500. In addition to this, the Central Bank loaned to the State, under an ordinance of the convention, in coin, $105,882.35; the Commercial Bank, $58,823.54, and the Eastern Bank, $35,294.11, making in all $200,000, to purchase provisions and stores for the army. This statement shows that the State

is indebted to the banks for almost the entire amount of money procured under the authority of the Legislature for prosecuting the war. It is well known that in times of peace I have regarded banks as a necessary evil, but in the present exigencies of the country experience compels me to regard them as a public necessity. It is due to the Central Bank to state that under an act of the last session of the General Assembly, authorizing the Governor to borrow $100,000 to pay the members and officers of the Legislature and of the convention, and for the payment of printing, &c., that bank loaned said sum to the State in addition to the sums above specified. Whilst it is proper that the necessary restrictions should be thrown around these institutions, I feel assured that none will be imposed by you detrimental to the public interest, when their aid is so much needed. For the condition of the banks I refer you to the report of the commissioners. The Bank of Selma, a free banking institution, purchased $27,000 of the semi-annual State bonds, and has manifested a liberal disposition to aid the State in her emergencies. As the State and the Confederacy will need assistance from every source from which it can be procured, I recommend that this bank be authorized to suspend specie payments upon the terms, conditions, and restrictions imposed upon the other banks, so far as may be practicable.

FINANCE.

CIVIL DEPARTMENT.

The balance in the treasury on the 30th day of September, 1861, was	$293,665.37
Received since, to October 22, 1861	50,243.97
Total	343,909.34
Deduct disbursements to October 22	26,269.67
Balance	317,639.67

MILITARY DEPARTMENT.

Balance on hand September 30, 1861	$217,337.68
Received since, to October 22, 1861	125,740.80
Total	343,078.48
Disbursed from September 30 to October 22, 1861	42,625.59
Balance	300,452.89

The above statements exhibit the amounts in the civil and military departments on the 30th of September, the end of the fiscal year, and also on the 22d of October thereafter. For the details of receipts and disbursements you are referred to the reports of those faithful public officers, the comptroller and treasurer. The $200,000 borrowed from the banks to purchase army stores will become due in January, 1862. I recommend that, with the consent of the banks, said debt be extended. Should this not be done, provision must be made for the payment of said sums.

FOREIGN DEBT.

Mr. Whiting, commissioner and trustee of the State bank and branches, has provided for the payment of the interest on the foreign debt for the present year. It is desirable that these bonds should be paid at maturity, but the public exigencies require that all of our moneyed resources be reserved to meet the necessities of the State. I

therefore recommend the passage of an act authorizing and providing for the renewal of the bonds and the extension of the debt for such length of time as the Legislature may deem advisable.

SCHOOL FUND.

As it is impossible to foresee what is to be the duration, or what the expenses of the present war, it is of the utmost importance that every preparation and provision possible be made for its vigorous and successful prosecution, be it long or short. I therefore, with great reluctance, am compelled to recommend that the appropriation for educational purposes be suspended until the termination of the war and the money be applied to the defense of the country. I also suggest that the fund arising from the military tax, under the provisions of an act approved February 18, 1860, be applied to the purpose. If I believed it to be in the power of the Legislature to give the same direction to the interest of the sixteenth section fund I would recommend it. Taking it for granted that the Legislature has not the right to change the application of this fund, I respectfully suggest that an appeal be made in some form by the Legislature to the citizens of the several townships in this State to appropriate the interest of the sixteenth section fund to the support of the war. Most of the townships in which the sixteenth sections are valuable are inhabited by persons of wealth, who can afford to make this sacrifice; a sacrifice which is as nothing compared with the great end to be effected. Having had so many evidences of the patriotism of our people, and of the unexampled alacrity with which they respond to every call in behalf of the country, I cannot doubt that the citizens of the townships will willingly consent that the interest of this fund may be applied during the war to its support. This interest, with the appropriation for common schools, amounts to $300,000. Under no other circumstances than those which now surround us would I recommend a change in the application of these educational funds; but every appropriation not necessary in conducting the State government should be made to yield to the support of our struggle for deliverance and liberty.

EXTORTION.

Complaints have been made to me from many portions of the State that there were persons engaged in purchasing articles indispensable to the support of the Army and of our poor people for the purpose and with the intent of extorting extravagant prices from those who might be compelled to purchase these articles. Upon this information I issued a proclamation denouncing such conduct as unpatriotic and wicked, and instructed the quartermasters and other agents of the State to purchase nothing from such persons. Merchants and tradesmen, in common with persons engaged in every legitimate pursuit, are entitled to the fostering care of the Government, but when so forgetful of social duty and regardless of the interests of their country as to monopolize the trade in those commodities most necessary for the comfort and subsistence of our soldiers and citizens, it becomes the duty of the Legislature, as the public guardians, to adopt such measures as will prevent, as far as possible, the State and the people from becoming the prey of such harpies. I am gratified to be able to say that comparatively but few are engaged in this illegitimate

business, and of these some are not regular merchants. These attempts to speculate upon the Government and the people are not confined to Alabama. Every State of the Confederacy is infested with this class of men.

PRESENT STATE OF COAST DEFENSES.

It is manifest that the Lincoln Government has been making extensive preparations for a naval expedition to the Southern Atlantic and Gulf coasts for the purpose of invading, if possible, the cotton States from that direction. Alabama has an extensive coast to be defended, and nothing should be left undone that may be necessary to security and safety. What is to be done should be done promptly. When Forts Morgan and Gaines were taken possession of by the troops of Alabama the latter was in an unfinished condition; indeed, in its state at that time it was of no value as a point of defense. Fort Morgan had been much neglected and required a large expenditure of money and labor to render it tenable and serviceable. What had not been done by the State previous to the transfer of this fort to the Confederacy has since been completed by the latter Government. Fort Gaines, as I am informed, will soon be completed, and is now ready for efficient defense. These forts, with the batteries at Grant's Pass, it is supposed, will secure the city of Mobile against the approach of the enemy by way of the bay or by Spanish River. The only real danger to be apprehended is the landing of the enemy through the bays or inlets at other points on the coast. To prevent this the Confederate Government is making provision by the erection of batteries and by guarding these points with troops. The State has advanced $30,000 to the committee of safety in Mobile to aid in preparing defenses for the city, and has also purchased from the city authorities munitions of war at the cost of $26,524, which are deposited in the city armory to meet emergencies. There is one regiment of troops at Fort Morgan, two battalions at Fort Gaines, and one company at Grant's Pass. Two other regiments have been ordered to the coast, a third has been organized in the city of Mobile, and a fourth will be ordered there as soon as organized. Several additional regiments are being raised and are nearly full, whose destination is not fixed by the Secretary of War, so far as I am advised; but it is presumed they will be ordered to our coast if deemed necessary by Brigadier-General Withers, the officer in command at that point. The War Department was at an early day advised that the State was prepared and willing to co-operate with and aid the Confederacy in making the necessary preparation for the protection and defense of our coast. No troops of the enemy have been landed on the soil of Alabama, nor am I advised of any attempt to do so. There is another subject in connection with the Gulf coast to which it is proper to call your attention. The passage between New Orleans and Mobile had been interrupted by the enemy and steamers had ceased to run between those places. The Governors of Louisiana, Mississippi, and Alabama deemed it a matter of the highest importance, not only to these States, but to the Confederacy, that this public highway should be opened and kept open. They therefore mutually determined and agreed to co-operate in doing whatever might be necessary for this purpose, with the understanding that these States should pay their proportional share of the damages, provided the Confederacy would not relieve them by assuming the payment. This passage was opened and the public relieved from the embarrassment and damage created by its interruption.

With the view and for the purpose of carrying out the objects of the agreement referred to, and at the request of Commodore Rousseau, naval commander at New Orleans, and of Governor Moore, of Louisiana, I took the steamer Florida—then at or near Mobile—with the promise of Commodore Rousseau that he would have her armed and manned for service, which has been done. She was represented by this officer to be better adapted for the service to be performed than any other steamer at Mobile or New Orleans. Being anxious to avoid taking private property for public uses, unless the public exigencies imperatively demanded it, I instructed Col. Percy Walker, of Mobile, the inspector-general of General Clemens, to charter the Florida for sixty or ninety days. This he was unable to do, the owners alleging that to fit her out for the purposes intended would render her useless for the business for which she was constructed. I then determined to purchase her and had her appraised, the State having two and the owners two appraisers. The persons selected by the State were the appraisers for the port of Mobile. They valued the steamer at $60,000 and the persons selected by the owners valued her at $100,000. The difference in the valuation was so great that I determined to take the vessel and leave the matter to be settled in some just and equitable manner. I proposed to one of the owners, who is now a member of the House of Representatives, to pay the $60,000 upon the production of the proper papers as to cost and ownership. This has not been done, but Doctor Wolf has assigned satisfactory reasons for not doing so. No part of the money has been paid, and now I submit to your consideration whether more than $60,000, the amount fixed by the State appraisers, shall be paid to the owners of the vessel.

By an ordinance adopted by the State convention January 14, 1861, the Governor was authorized to appoint an agent to purchase provisions and stores for the troops of the State, and was further authorized to borrow money for that purpose and to execute the bonds of the State for the same, having "not less than twelve months to run." On the ——— day of July, 1861, Col. J. W. Echols, of Macon County, was appointed agent under said ordinance, entered into a written contract, and executed a bond as therein provided for. The money to make the purchases was borrowed in coin from the Central, Commercial, and Eastern Banks as heretofore stated. This amount was deposited to the credit of the agent in the Citizens' Bank of New Orleans. The agent, with the necessary assistants, immediately set out for New Orleans and the northwest to make the purchases. It is due to him to say that he performed the responsible duties imposed by his contract promptly and efficiently and to my entire satisfaction. The provisions and stores were of the best quality, as I am informed by competent judges, except a small amount of hay which was slightly damaged, but was sold for a sum sufficient to cover costs and charges. By depositing the money in New Orleans the agent was enabled to realize a profit of $8,000 on exchanges between Saint Louis and New Orleans. His account has been audited and allowed and is deposited with a written contract in the treasurer's office, subject to your inspection; but he is still unpaid for his services. So much of the contract between the State and the agent as is necessary to be referred to is in the following terms, to wit:

And the said A. B. Moore, Governor as aforesaid, for and in consideration of the services to be rendered in the premises by the said J. W. Echols as agent, and also for the services of his assistants, covenants and agrees to pay the said J. W. Echols the sum of $2,200, and also agrees to pay the expenses of the said J. W. Echols and his assistants, not to exceed two. And it is further agreed by the said

A. B. Moore, Governor as aforesaid, that in the event of any unforeseen and extraordinary circumstances or accident occurring in the performance of this contract by the said J. W. Echols not contemplated by this agreement, such additional compensation may be allowed as two disinterested persons may agree upon as being just and proper, one to be selected by each party, and the two to select a third in case of disagreement by them.

When the contract was made it was supposed that the trust might be executed in thirty or forty days, but in this both parties were mistaken, as the agent was engaged about three months in completing his labors. In consequence of this and the skill and management of the agent in accumulating the fund by way of exchanges he insisted on being allowed the amount of the exchange for his services, exclusive of his expenses, which have been paid. I did not feel at liberty to settle with him on these terms, and the question of compensation has been left open for your determination. Colonel Echols has been a faithful, energetic agent and is entitled to liberal compensation.

TROOPS AND CLOTHING.

In the exercise of the powers confided to me by the ordinances of the convention and the acts of the last Legislature to protect the State from invasion I deemed it of primary importance to act with the State of Florida in securing the possession of the navy-yards and forts near Pensacola, then in the possession of the Government of the United States. A volunteer force under the command of Colonel Lomax was promptly dispatched to Pensacola with that object and succeeded in effecting the surrender of the navy-yard and the occupation of Forts Barrancas and McRee. The troops which had accomplished these important results and who had volunteered with reference to that special purpose were subsequently relieved by twelve-months' volunteers, who were accepted by me under the provisions of the ordinances of the 19th of January, 1861. The garrison at Fort Morgan, under the command of Colonel Todd, consisting of volunteer troops organized under the act of the 24th of February, 1860, was in its turn relieved by volunteers accepted under the same ordinance. Recruiting stations were opened and a battalion of three-years' regulars enlisted and thoroughly organized. The volunteer forces near Pensacola and at Fort Morgan were formed into regiments, and with the battalion of regulars remained in the service of the State at these points until the Confederacy assumed the conduct of the war, when they were transferred to that Government under the authority of the ordinance of the 11th of March, 1861. In July last, in view of the menacing attitude which had been assumed by the Northern Government, the preparations which were making by it for the transportation of a large force with munitions of war by sea, and the necessary concentration of a large proportion of the Confederate forces in Virginia, it was deemed proper as a prudential measure to strengthen the defenses of Mobile by the acceptance of two regiments and several companies, in all about 2,500 troops, under the ordinance of 19th of January last, which was done, however, upon the express agreement that the troops thus accepted should not be entitled to any pay or allowances unless ordered into actual service or into camps of instruction, and in the last case to be subsisted and furnished with camp equipage only. In order to secure the necessary field instruction, as well as generally to promote its discipline and efficiency, a camp of instruction was formed for one of these regiments for thirty days.

These troops, maintained at a small expense to the State, well armed, and prepared to act as emergency might require, constituted a valuable auxiliary to our coast defenses. They were retained in the State service until very recently, when, with the understanding that they would be accepted by the Confederate Government, to which their services had been tendered, they were discharged.

Directly connected with this subject is the disposition made by me of the arms and munitions of war belonging to the State. On the commencement of hostilities between the two governments I considered that my duty as the Executive of Alabama required of me to afford to the Confederate Government a ready and efficient support to the utmost of my ability. The cause of the Confederacy was the cause of Alabama, and the resources of the State which were at my command and essential to a vigorous and successful prosecution of the war I freely placed at the disposal of the Confederate Government. The arms, upward of 20,000 stand, and other munitions of war acquired by the State in taking possession of the arsenal at Mount Vernon and Fort Morgan were, under the direction of the ordinance of 9th of March, 1861, turned over to the Confederacy, while those which the wisdom and foresight of the Legislature of 1859–'60, in anticipation of the events which subsequently transpired, had enabled me to provide, were liberally supplied to the volunteer force of Alabama in the Confederate service. Your State has given to the defense of the Confederacy full 27,000 of her men. She has organized and in the field twenty-three regiments, two battalions, at least ten companies of horse and as many of foot, while five other regiments are in process of formation, their ranks nearly full. Of these troops Alabama has armed more than 14,000 and equipped nearly half that number, besides furnishing large supplies of powder, heavy and light artillery, and other munitions of war, independent of those which resulted from the occupation of Mount Vernon. The expenditures which have been made by the State in acquisitions which the Confederacy has received, the supplies which have been furnished at the expense of your treasury to arm, equip, and subsist her troops, the expenses of the State in defending and protecting the gulf-coast in Alabama and Florida after the formation of the Confederate Government, as they resulted to the common good, constitute a just claim upon the common treasury, which will doubtless be acknowledged and paid by that Government. In this connection I would also bring to the notice of your honorable body that I have taken the responsibility of anticipating to a considerable extent the payment of the clothing commutation money to be made by the Confederate Government to the troops from this State in her service, and investing the amount in clothing for their benefit. I assumed this responsibility only under the conviction that the large amount of clothing required could not otherwise be supplied, and that the comfort and health of the troops, as well as their efficiency in the field, imperatively demanded it. The provision made by law to the volunteer to supply him with clothing was originally $21, since increased to $25, which is paid him on the first pay-day, and every six months afterward during his continuance in the service. A large proportion of the volunteer force from this State have no other means to furnish themselves with clothing than the provision thus made, and of those who entered the service during the last spring and summer not one has received more than the lowest sum I have named to provide himself with both summer and winter clothing, including blankets.

The facts I have stated are sufficient, and I need scarcely refer to the difficulty in obtaining the material, of volunteers in active service making the purchases, the extortions and petty impositions which they were too frequently subjected to. With the increased prices, the impossibility of anticipating their clothing allowance or of purchasing upon a credit, those who were dependent upon that allowance alone could hardly be kept in the field in a climate like that of Virginia and Tennessee during the winter months, certainly not without great suffering. Much, indeed, was to be expected from individual exertion and private liberality, and these expectations have not been disappointed. Companies and individual volunteers from the more wealthy counties have in many instances been amply provided for, and in response to the appeals which I have publicly and officially made large amounts of clothing have been forwarded me for general distribution; but the supplies thus obtained fall far short of meeting the necessities of the large number of our troops in the service. It was with a view to these results that I determined to apply a portion of the State funds to the purchase of the material for clothing, a large portion of which I was assured would be gratuitously made up through the patriotic efforts of the female "aid societies" throughout the State. It was not my purpose to supply even the material for clothing all the volunteers from the State. The treasury would not have afforded the means. My object was simply to aid the volunteers to the extent of the ability of the State, in anticipation of the clothing allowance to which they were entitled, and out of which, when made under the existing laws of the Confederacy, the State could be reimbursed. There were, indeed, other considerations which were not without their influence. The clothing, the material of which was purchased in large quantities for cash, directly from the manufacturer or wholesale dealer, and made up, to a large extent, by gratuitous labor, could be supplied to the volunteers at prices greatly lower than they could obtain them in the usual course of trade, and the extortions and speculations on his necessities be avoided.

In the distribution of the clothing I regarded the troops in Virginia as first demanding my attention. The severity of the climate, the difficulty of obtaining supplies caused by the large number to be supplied, and the character of the service left no doubt on my mind that their wants were more pressing than those who were serving in the milder climate of the Gulf. The most necessitous were the first to be supplied. Richmond was selected as the principal depot for distribution, a warehouse rented in that city, distributing agents appointed, and a proper system of accountability established. The clothing made up under the direction of the State, as well as that received for general and special contribution, was forwarded by transportation agents, a class of agents rendered necessary by the dangers of loss, difficulties, and detention incident to a long route of railroad transportation, the roads crowded with freight to a much greater amount than was anticipated or prepared for. Great care was taken in the selection of these agents, who were instructed to deliver the special contributions intended for companies or individuals to the captains of the companies, or, when that was not practicable, as it was not in every instance, they were left in charge of an agent, to be delivered when opportunity offered. Of the general contributions, by which I mean donations made to the State without designating the objects of the bounty, those essential to the sick were forwarded for the use of the Alabama Hospital, established mainly by the exertions and liberal-

ity of Mrs. Arthur F. Hopkins, for whose untiring efforts in the cause of the sick and wounded of Alabama the warmest thanks of the State are due. The remaining portion was thrown into the common stock with the clothing furnished by the State, and a scale of prices adopted for the whole by persons disconnected with the distribution, which it is supposed would be sufficient to reimburse the State the actual cost. By this course the volunteers realized the full and equal benefit of these contributions, by receiving the clothing in which the funds of the State were invested at less than actual cost. I have deemed it my duty to call your attention especially to the facts connected with the purchase and distribution of the clothing, for the reason that I acted without authority, and for the additional reason that, in relation to some of the existing contracts, justice to the contractors may require a recognition of them from your body.

HOSPITAL FOR SOLDIERS.

I desire to call the attention of the Legislature to the following letter from a distinguished physician and surgeon in the Army from Alabama in regard to providing a hospital for the sick and feeble troops from this State in the Army of the Potomac:

CENTERVILLE, VA., *September 27, 1861.*

Governor A. B. MOORE,
Montgomery, Ala.:

SIR: A Virginia winter is rapidly approaching, which a large portion of the troops of the Confederacy seem likely to have to spend upon this border of our country. This is a poor section of the State. The villages are few and straggling, and the houses in town and country generally small and many of them in a state of partial dilapidation. Good winter quarters are necessary for all the troops, but indispensably so for the sick and weak. For Alabama I am of the opinion that the sick and weak or convalescent may be safely set down at one-fourth the whole number.

* * * * * * *

These men will have to be provided with good hospital accommodations speedily or many of them will die for the want of them, for after all the efforts I fear many of them will be thinly clad and wanting in overcoats, blankets, and gloves. Were they well clad, still the hospital accommodations are indispensable. Now, I am satisfied our Government, through its proper departments, is making all the efforts to meet this great want it can, and that much will be accomplished, yet there is reason to fear the Government will not be able to provide in time accommodations for such a large number of men as will need them. Of the magnitude of this enterprise you may form an idea when I tell you that in our single brigade nearly 1,500 men are unable to march. It has seemed to me that this was an occasion when the States might with propriety step in and do a great work of benevolence and duty to their soldiers. I have heard nothing of late of the "Alabama Aid Association" that commenced its operations at Richmond, far away from the point at which its services were most needed. I learned that they had opened an "Alabama Hospital," which was full before they had taken 100 patients. My own regiment would have filled it at one time during the last two months and then had a good many men unprovided for. You will see how inadequate such a scale of operations is to the wants of our troops. Besides, we want hospitals up here nearer to us, immediately on the railroad from Richmond, or some branch of it. A hospital can be opened by renting and building, or building alone. The Confederate Government is having an extensive hospital constructed just in the rear of Manassas on a very economical and at the same time commodious plan. The medical director informs me that there are some good points and villages unoccupied yet, which our State could secure. The State of Mississippi has, I am informed, appropriated $50,000 to this purpose, and has sent out an agent, who has secured buildings at Warrenton, and is rapidly preparing a hospital there for the troops from that State. Such a hospital should have surgeons and assistant surgeons commissioned by the Confederate Government, if they are paid by the State, for the purpose of military government, and furnishing legal papers to soldiers, and proper reports and returns to the Medical Bureau at Richmond, &c.

I have felt it a duty to lay this state of things before Your Excellency, not doubting that the State of Alabama would sustain you in anything you in your judgment feel called upon to do to meet this emergency. Should you decide to investigate the subject, or to act on the suggestions, a reliable and competent agent will be of the first importance.

* * * * * * *

I have the honor to be, your most obedient servant,

C. J. CLARK,

Surg. Tenth Alabama Regiment and Chief Surgeon of the Fifth Brigade.

I can add nothing to the facts and arguments contained in this letter, and recommend that provision be made without delay for the appointment of a suitable agent to go to Virginia to inquire more particularly into the necessity and practicability of renting a building or buildings as suggested by Doctor Clark, and that the necessary appropriations be made for that purpose. The State has contributed $1,000 in cash to the support of the hospital in Richmond; and churches, aid societies, and individuals have also given large amounts of money and hospital stores for the same purpose. Another hospital building has been rented at Richmond by Mrs. Hopkins since the foregoing letter was written. This, however, does not meet the wants of the sick at Manassas, as Richmond is too far from that point.

SALT SPRINGS.

As salt is an article of prime necessity to our people, and as the State owns valuable springs in the county of Clarke, capable, I am told, of furnishing a large amount of salt, it is recommended that they be leased to some person or persons who will obligate themselves to commence its manufacture, that our citizens may be supplied with this indispensable article to the extent of the capacity of the springs to produce it.

MILITARY INSTITUTE.

The University of Alabama and the other military institutions of the State have been eminently successful, and have borne ample testimony to the wisdom of the Legislature in introducing this branch of education into our colleges and in giving special aid to a certain number of poor young men from each county in the State. For the amount of money expended, the State has already been amply compensated by the services of the cadets. Many of them have been engaged during the summer and fall in drilling volunteer companies for the Confederate service, and many more are in the Army, some as privates and others as officers. Their skill and efficiency are universally acknowledged, and the beneficial results of their instruction and examples are seen and felt. These institutions deserve and should receive the special care and encouragement of the State. The ranks made vacant by those cadets who are in the Army, I am gratified to learn, are already filled.

GENERAL REMARKS.

On the 11th day of last January a convention representing the people of this State severed its connection with the Government of the United States and gave it a separate and independent existence among the nations of the earth. To this bold and decisive step our people were led by the conviction, slowly and reluctantly attained,

that the sacred guarantees provided by the Constitution were destined to an early subversion by a purely sectional party, which had for years been rapidly increasing in strength and which had at length acquired the control of the most important departments of the Government under circumstances which rendered it morally certain that the doctrines of the party, utterly subversive of the political equality of the South, involving the destruction of the rights of its property and carrying with it the social degradation of its people, would at no distant day be carried into practical operation. This conviction was produced by a long series of acts and declarations of an alarming character, which culminated in the election of Abraham Lincoln to the Presidency of the United States. Subsequent events have fully justified the apprehensions of those who adopted the ordinance of secession; have vindicated their conduct, and conclusively demonstrated that secession alone has saved for us the constitutional liberty which it was the aim and object of our fathers to secure. The career of the present Government of the United States has been marked by the grossest aggressions upon the constitutional rights and liberties of the people. President Lincoln, usurping an authority which was designedly withheld by the Convention that framed the Constitution, and at the same time arrogating to himself purely legislative power, soon after his inauguration commenced a war upon the most extended scale upon the seceded States. He has abolished that great bulwark of liberty, the writ of habeas corpus, which was amply secured by the Constitution he was sworn to support. He has overthrown the constitutional authority of the judiciary, even when interposed by the venerable Chief Justice of the Supreme Court of the United States in behalf of a citizen's outraged liberty. He has in many places subverted the civil by military authority and put the people under the rule of martial law, to be administered by creatures of his own selection. In the States which his armies have invaded, slaves have been seduced from their owners and declared free. By his despotic command the freedom of speech and of the press has been destroyed; newspapers which dared to protest against the overthrow of the Constitution have been suppressed; the people, without process of law, have been subjected to searches and seizures in their persons, houses, papers, and effects, and, as if to demonstrate that no right was too sacred to be violated and no act of tyranny too gross and revolting to be perpetrated, virtuous and patriotic citizens have been ruthlessly seized and transported to distant places and there incarcerated, and even women, without the forms of law, have been dragged from the domestic altars into imprisonment.

Within a period of eight months all security of life, liberty, and property in the United States has been destroyed, the Constitution has been virtually set aside, and a military despotism has taken the place of the Government which our fathers framed. We may well congratulate ourselves and return thanks to Almighty God that a timely action on our part has saved our liberties, preserved our independence, and given us, it is to be hoped, a perpetual separation from such a Government. May we in all coming time stand separate from it, as if a wall of fire intervened. The secession movement has been successful. Eleven States, with an intelligent, brave, and chivalric population, united in interest by the homogeneous character of their institutions, abounding in all the agricultural and mineral productions necessary to sustain and enrich a people, favored with varied and extensive facilities for manufacturing, traversed by large and

navigable rivers, connected by long lines of railroads, and having a sea-coast stretching from the Potomac to the Rio Grande, have confederated together and formed a Constitution, the wisdom of which challenges the admiration of the world. Kentucky and Missouri hestitated to join in the great movement until the chain of the tyrant was almost riveted upon their giant limbs; but, awakened by the perils of their condition, their brave and patriotic sons, aided by the soldiers of the Confederate States, are now struggling with an energy and courage which cannot fail to throw off the authority of Northern despotism and secure their independence. It is confidently believed that at an early day we shall have the pleasure of welcoming these States into our Confederacy. Maryland, too, though now down-trodden and oppressed, cannot long be held in subjection by the corrupt and crumbling dynasty at Washington. The enemy which has stricken down liberty in this State and inflicted the most revolting outrages upon its citizens will yet be driven out, and at no distant day Maryland, freed from the despotism which now stifles her voice, will speak the wishes of her people and link her destinies with ours. When the fourteen States in which alone slavery exists to any considerable extent shall have thus been united into one Confederacy under our common Constitution, so wisely adapted to their condition, the great revolution will have accomplished its purpose; and thus will have been added the last column needed to support through coming ages the structure of our Government.

The events of the war have demonstrated the ability of our Government to sustain itself. With the largest and best appointed armies which have ever been organized upon this continent, and a navy greatly superior to our own, our enemy has not attained anywhere a decided advantage. Arrogantly announcing the purpose of subjugation, he has not been able to extend an invasion to any considerable extent from the border; and in his latest attempt his army had scarcely set foot upon Virginia soil before it was driven back by a small but brave band of volunteers in confusion and defeat, many of the invaders finding a grave beneath the waves of the border river they had just crossed. In almost every engagement the victory has been with us. Every battle-field bears testimony to the valor of our troops. Your citizens in every part of the State have shown an eager desire to enter into the military service. The Government at Richmond, as well as the State government, has been literally besieged with applications from this State for admission into the Army; and wherever her troops have been engaged they have exhibited dauntless courage and intrepid coolness. The Fourth Regiment, commanded by the lamented Col. Egbert J. Jones, was the only portion of the Alabama Volunteers which had an opportunity to participate actively in the battle of Manassas. That regiment, exhibiting the qualities which are believed to be common to all our volunteers, after all of its field officers fell in the fierce and prolonged conflict, drove back several regiments of the enemy successively led against it, and maintained the unequal fight with unfaltering courage until the enemy's flight terminated the battle. The men of that regiment, by their gallantry, earned for it a proud distinction, justly entitling them to the gratitude of the State. Their conduct will hereafter stand as a glorious example of heroism to be emulated by our other brave and gallant volunteers. Recently a small number of Alabama troops, participating in an attack upon the enemy's camp on Santa Rosa Island, well sustained the character for courage and daring which the

conduct of the Fourth Regiment had given to Alabama Volunteers; and all I am proud to say have endured with fortitude and patience the toils and privations of a soldier's life, which are not the less trying because they are free from the excitement of battle.

It is a matter of gratulation that whatever dissatisfaction may have existed at first on account of the adoption of the ordinance of secession, it exists no longer. The people of the State, with few individual exceptions, have been convinced by subsequent acts of the Northern Government that that measure was indispensable to the preservation of our liberty and property, and now give their best energies to its support and defense. We now present the gratifying spectacle of a united and harmonious people, satisfied with our institutions, ardently attached to the Government, and resolved to maintain it. All classes in every part of the State, with rare exceptions, have been prompt to contribute to the support of the Government in the struggles and trials which an unjust war have brought upon it in its infancy. The annals of history afford few examples of higher and purer patriotism than have been evinced by the people of Alabama. Vain is the idea of our enemies that such a people can be subjugated. It is true that our independence, like every other great good, has to be purchased with a price. The separation, by which alone it could be accomplished, has brought upon us the evils of war. But these evils are passing and temporary, while the degradation of submission would be lasting and permanent. Years of hardship, and, it may be, of suffering, are of but little moment in the existence of a nation, and the boon of national liberty, perhaps for centuries, is lightly purchased at this cost. So far we have every reason to be thankful. A kind and munificent Providence has smiled upon our harvests, has crowned our armies with success, and inspired our people with a spirit which, in the just cause in which they are engaged, must insure their ultimate triumph. The mode, too, in which the war has been prosecuted by our adversaries, while it has served to diminish their resources, has increased our own. Mechanical arts and industrial pursuits, hitherto practically unknown to our people, are already in operation. The clink of the hammer and the busy hum of the workshop are beginning to be heard through our land. Our manufactories are rapidly increasing, and the inconveniences which would result from the continuance of the war and the closing of our ports for years would be more than compensated by the forcing us to the development of our abundant resources, and the tone and temper it would give to our national character. Under such circumstances the return of peace would find us a self-reliant and truly independent people. As my term of service will expire in a few days, when my official connection with the State will be dissolved, it is a source of much gratification to me to be able to say that there is no State in the Confederacy which has done more in proportion to its means, for her own security or to aid the Confederate Government in this great revolution, than Alabama. I take this opportunity to return my thanks to the men and women of the State for the unsurpassed promptitude with which they have responded to the many calls made upon them in various forms, in behalf of the State and Confederacy. And I desire at the same time to express my gratitude to those who have been officially connected with me for the faithful and efficient discharge of their duties. May the God of wisdom guide you in your deliberations is my sincere prayer.

A. B. MOORE.

[OCTOBER 28 and 29, 1861.—For Milton to Benjamin and Milton to Davis, in relation to organization of troops and other military matters in Florida, see Series I, Vol. VI, pp. 297, 300.]

[OCTOBER 28, 1861.—For Brown to Benjamin, protesting against the further removal of Georgia troops to Virginia, and Benjamin's reply thereto, see Series I, Vol. LI, Part II, p. 359.]

EXECUTIVE OFFICE,
Jackson, Miss., October 29, 1861.

His Excellency JEFFERSON DAVIS:

DEAR SIR: Your letter of the 19th instant this moment handed me by Colonel Haynes.* In response to your inquiry, "Why do you favor the twelve-months' men?" I answer that I have not favored the twelve-months' men. I have only administered the law of the State. The convention gave to the military board the absolute control of all the arms and military property of the State, and the military board passed an order that no arms should be given to any companies until all the companies mustered into the service of the State were armed. This order was reiterated and insisted on, and they had the right under the ordinance to control the matter. Many of the twelve-months' companies had enlisted early in the spring, and had spent from $500 to $5,000 per company of their private means in uniforming, equipping, and drilling their companies in camp at their own expense, and had the arms of the State in their hands; other companies, similarly organized and drilled, had waited in camp for months for arms to be repaired for them. Gentlemen who said they were authorized by the Confederate authority to raise regiments or companies for the war, came to me and asked that the arms should be taken from these companies and given to them. This I refused for two reasons: First, I had no power; second, it was not just to first-class companies. This was complained of by the officers who were anxious to arm their regiments for the war as favoring the twelve-months' men. I have often appealed to the military board for arms for the troops for the war, and sometimes it was reluctantly granted. Bonham's regiment was armed by my order, and if I have gone beyond my authority in any instance it has been in the arming and equipping companies for the war. When on June 30 last the Secretary of War called on me for 3,000 troops for [the war?] they were tendered and received. The Secretary informed me that mustering officers and supplies should be sent to the encampments. This was delayed until General Hardee and General Polk sent their agents into Mississippi for troops, and many were received by those officers for twelve months who had tendered to me for the war, and the Secretary of War received companies who would arm themselves for twelve months, and ordered them to Virginia and other points, notwithstanding they had been tendered to me, under his call, for the war, and being thus received and ordered, they left the State without giving me notice. I at last ordered what companies were left into camp at the expense of the State. They have since been supplied by the Secretary of War, but not until I wrote to you calling attention to the matter. General Johnston is now calling on me for 10,000 troops for the war,

*Not found.

or twelve months, as they may elect, and if your Confederate officers continue to receive twelve-months' men, I have no power to induce them to enlist for the war. I again repeat to Your Excellency that I have not favored the twelve-months' men, and any action of mine that seems to point that way is the result of laws over which I have no control. Your information in regard to the 2,000 English rifles belonging to Mississippi at Havana is not correct. The agent whom the military board sent to Europe for arms brought them to Havana and sold them there to the Governor for a profit. The Secretary of War asked me to name suitable men for the position of quartermaster and commissaries at Brookhaven and Marion Station. All those suggested by me have received their appointments except Charles C. Scott as commissary at Marion Station. I have not heard yet that a commissary has been appointed for that place, or why Scott was not appointed.

Mr. President, I am aware that unscrupulous men from Mississippi have been at Richmond, and hoped to be able to get something on which to found a complaint against me, and as they have misrepresented my acts here at home, I doubt not they have done the same thing there. The members of the Legislature best known to you and most esteemed by the people, with all the facts before them, called on me to become a candidate for re-election, and the people, with a unanimity rarely witnessed, have sustained me, and when the facts are as well known to you as they are known to the people of this State, I have an abiding confidence in your approval of what I have done.

Very respectfully,

JOHN J. PETTUS.

[OCTOBER 29, 1861.—For Benjamin to Lovell, in relation to the reception of troops for less than twelve months' service, &c., see Series I, Vol. VI, p. 758.]

[OCTOBER 30, 1861.—For Bragg to Benjamin, in relation to the appointment of officers, see Series I, Vol. VI, p. 758.]

EXECUTIVE DEPARTMENT,
Austin, Tex., November 1, 1861.

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES:

Your presence at the seat of government is at all times an occasion of interest and congratulation, but at no period within the memory of any member of your honorable body have the representatives of the people convened under circumstances of so much necessity for their deliberation, or so heavily burdened with the responsibilities of the future, as the present. You are direct from the people and your acts will be the reflections of their will. This fact and your combined intelligence render confident the assurance that your enactments will afford complete justification of the past, sustenance for the present, and security in the future. It is the constitutional duty of the Executive to communicate to you information of the state of the government and recommend to your consideration those reasons which may be deemed essential to the advancement of the public welfare. In contemplation

of the circumstances which surround him, being, as he is, the creature of the convention, and not directly of the people, it will perhaps be sufficient that he should confine himself to those facts which will enable you to arrive at a positive understanding of the actual situation of the State, rather than to make suggestions as to the policy you should adopt. This will more appropriately become a matter of subsequent recommendation. In consideration of our position as an independent State, and at the same time as one mighty element in a young but hopeful nation which is battling for its life, the subject of primary interest is a survey of our military condition. To arrive at an understanding of this subject, you will receive a brief recapitulation of the steps which have been taken to secure our military defenses. You will also hear of those things which have been attempted and likewise of the insurmountable difficulties which in this respect have impeded the administration. From these significant facts it will prove no difficult task for your honorable body to deduce the results which must be consummated in order that Texas may become proof against peril and strengthened in the power to aid in the establishment of the General Government.

Among the first and most important duties devolving upon the Executive was to raise the regiment required by the ordinance of the convention to provide in part for the military defense of the State. Enrolling officers were appointed in different sections of the State, and the number of companies necessary to make up the force were speedily obtained. The greatest dispatch was required in procuring these troops, it being important to have them in the field by the time the U. S. forces, then on our frontier, should be withdrawn, their removal being inevitable in consequence of our withdrawal from the Union. San Antonio was named as the place for the concentration of the regiment, and the colonel selected to command it ordered to repair thither and superintend its organization. The exigencies of the service, however, not permitting his absence at the time from his position on the Rio Grande, the remaining field officers were required to supply his place in the preparation of the regiment for the service. This is a mounted force and of all troops the most expensive, and to serve for twelve months from the time of enlistment. To save the State immense cost of its maintenance and combine our military defenses in the same hands, induced an early effort on the part of the Executive to procure its transfer to the Confederate Government. In order to more successfully and immediately carry out this design General James H. Rogers, who was about to visit Montgomery, the seat of Government, was intrusted with its accomplishment and furnished with the necessary authority, and such instructions as were deemed essential. By prompt and energetic attention to the subject, and aided by the representations of others of our citizens who happened to be present, he succeeded in getting the Honorable Secretary of War to accept the regiment. Of this result due notice was given to the Executive, and upon the organization of the command it was mustered into the Confederate service, the authorities of Texas being thereby relieved of all further connection with it. It may devolve upon the State to provide for the expenses incurred from the incipiency of this regiment up to the date of its transfer, but it is believed that these expenses are covered by a recent law of the General Government and that the State will be reimbursed.

War having actually commenced between the United States and the Confederacy, the immense increase of business of a military character

arising out of this condition of things rendered it necessary to put into active operation the office of adjutant-general. The labors of this office have been very extensive and beneficial, notwithstanding the fact that they have been performed under lame and inefficient laws. The results may readily be seen in the present organized condition of our military strength. In the present crisis it is a very important branch of the public service, and that you may be the better informed as to its past trasactions and of its future requirements, I respectfully refer you to the very explicit report of the adjutant-general herewith transmitted (Doc. A).*

The encampment of U. S. forces near Indianola became early in the administration an object of attention. These troops were departing from the State by virtue of an agreement between General Twiggs and the commissioners of the convention. In conformity with these stipulations they were to retain a full complement of arms and ammunition. Thus provided, they had collected to the extent of several companies at Green Lake under the pretense of awaiting transportation from our shores. From the threatening aspect which affairs had assumed it was not improbable that the Federal Government would order these 600 or 700 well-appointed troops to take possession of and hold this sea-port, to our very serious disadvantage. Therefore it was deemed a matter of policy, if not of absolute necessity, to require their immediate embarkation in compliance with the terms of the agreement before mentioned. Accordingly a commission under the immediate control of the adjutant-general was authorized to make this demand, and if it was not complied with to call out a force sufficient to capture and disarm them. This commission was proceeding promptly to the discharge of its duty when the opportune arrival of General Van Dorn, with full authority to effect this same purpose, superseded the necessity of further action on its part.

The vulnerability of the sea-coast was now an object of earnest solicitude, and it was the duty of the Executive of Texas to urge its defense upon the Confederate Government. This was done and the President requested to send immediately a competent engineer to make an examination and report upon those fortifications which were necessary. In the meantime the precautionary measures were taken of sending several hundred stand of arms from those seized at San Antonio, to be used in the defense of Matagorda Bay and Galveston Island. Steps were taken at the same time to have the heavy guns which had been captured at Fort Clark conveyed to the coast. About this time the able Confederate officer who had been designated to command the military department arrived. Thus rested an important subject in appropriate hands and relieved the State of that which she had not the power to accomplish. As an efficient step to secure the military defenses of our northern border, Col. W. C. Young was authorized to raise a regiment of cavalry. This movement was demanded by the probability of an invasion in this quarter. Difficulties accumulating in the States north of us, it became necessary to increase this force, and accordingly three additional regiments were raised similar to the first. If an invasion had been projected toward us, it seemed to be the policy of Texas to meet it as far as possible from her own limits. With a view to this purpose, Colonel Flournoy was sent as a special commissioner to the Governor of Missouri to concert such measures as the ability of Texas and the welfare and safety of both States should

* Not found.

justify and demand. This mission, although it produced no immediate action on the part of the State, was satisfactory in its results. The report of the same is transmitted to you herewith.* An effort to have these regiments received into the Confederate service succeeded and they are now employed in that capacity. The expenses, however, in consequence of their organization and the time they were retained in the field previous to their reception in the Confederate Army, devolve upon the State, and it will remain with your honorable body to adopt measures to meet them. It was thought prudent to secure to the State all the ammunition which could be obtained from merchants at this and other points. Therefore it was purchased, a small amount it is true, but it is well that it should be in the possession of the State, by which it may be used as emergencies may require. Some flint-lock muskets, which had for a long time been the property of the State, were caused to be altered by contract into percussion muskets and otherwise improved. They are limited in number but are now equal in efficiency to the most improved arms of like character. An order has been issued to have manufactured several pieces of ordnance at Galveston foundry and also a number at Lavaca. These minute transactions have been mentioned because they were performed without authority from the Legislature. Of their propriety it requires neither explanation nor argument to convince you, and it is only necessary to bring the action respectfully to your attention in order that you may approve and sustain it. In the deficiency of an adequate supply of State arms, and in view of the fact that if it became necessary to repel an invasion we should be forced to depend upon the private arms in the hands of individuals, it was determined to ascertain as far as practicable the number of these upon which we might rely. A request was issued to the chief justice of each county to institute an inquiry for this purpose, and the result, as far as it is known, is highly gratifying. Forming an estimate from the returns which have already been received, the number of these arms will not fall short of 40,000. With this fact as a basis, your honorable body may, perhaps, think it judicious to provide the means for having these arms put in a condition for service and so situated that they can be made available.

Upon the 17th of April a requisition was made upon the Executive of Texas by the Honorable Secretary of War for 3,000 men, and upon the 24th of the same month an additional requisition for 5,000 was received. These troops were to be infantry. They were to be organized and drilled and held in a state of perfect readiness, but were not to be mustered into service unless it was under a subsequent call. Proclamations were accordingly issued calling upon the people to organize themselves into companies. This was done with great promptitude, considering the scattered condition of our population and the natural aversion to infantry service. The first demand, however, for their active services was a requisition from the War Department for twenty companies to go to Virginia. These companies, which had been organized in obedience to an order from the Secretary of War for twelve months, were now required to be mustered in for the war. This change was productive of some dissatisfaction and occasioned a trivial delay. Not much time had elapsed, however, before the required number of companies were ready, and the Confederate officer to whom the Executive had been authorized to report them was notified of the fact that he could take them under his control. He

* Not found.

insisted upon certain points of rendezvous, at which they were concentrated and mustered into the service of the Confederate States. With this consummation of course all responsibility of the State ceased, and if these patriotic soldiers, as has been said, suffered any unnecessary inconvenience before leaving the State, it was not the fault of the authorities of Texas.

In conformity with the present "militia law," brigadier-generals were appointed in the thirty-two districts of the State, and they have been required by repeated and explicit orders to organize the militia. This has been done by many of the gentlemen appointed and to a very commendable extent, but it is with regret that the Executive cannot report a more thorough and complete organization of this force. In addition to this the people have been urged in different proclamations to organize themselves into companies and offer their services to the Confederate States or to the State through the adjutant-general's office. Thus we might hope to have soldiers ready for Confederate service whenever that Government required them and a reserve corps of many thousands to preserve the inviolability of our own soil. In order to facilitate this organization it was thought advantageous to invite these companies into camps of instruction, there to remain long enough to fix their respective organizations and to acquire at least the elementary principles of drill and discipline. For this temporary life in camp the soldiers were to receive no pay, and the patriotism of the people which had manifested a strong desire to express itself in this respect would be relied upon to support them. These camps were successful only to a limited extent. Various causes conspired to prevent in some instances their formation and in others to render them but of short duration. The movement was an experiment, and although it did not meet with that success which would have advanced to a great degree the military condition of the State, yet it has been productive of some advantages and has imposed upon the State but a trivial pecuniary obligation. No practicable means have been left untried to form into military companies all the able-bodied men in Texas. The people have been appealed to directly by the Executive and by many individuals appointed by him for that purpose to organize into companies of some character, get the best arms they could obtain, and inform the authorities of the State of their localities and condition. It will readily be understood that efforts of this character must have encountered difficulties numerous and not insignificant, and have often proven futile as they were informal. Among the most general of the difficulties was the fact that the troops were to a great extent required to be infantry. The predilection of Texans for cavalry service, founded as it is upon their peerless horsemanship, is so powerful that they are unwilling in many instances to engage in service of any other description unless required by actual necessity. This passion for mounted service is manifest in the fact that no call for cavalry has yet been made which has not been complied with almost instantaneously, and there are companies of this character now throughout the State which are eager for service.

An additional fact to which the serious attention of the legislative body of the State is especially directed is that military organizations have taken place within the limits of Texas without the authority or knowledge of her Executive. Various gentlemen have been authorized by those at the head of the Confederate Government to raise regiments without the intervention or cognizance of State authorities.

This action has been emphatically objected to through the Texas delegation at Richmond, but the objection has not been heeded. State troops are organized with some reference to system. There is a formal way of placing such troops in the service, and there is another way which is informal, if not unjust. The State Executive should at least be officially informed of any movements of this character which the General Government may see fit to inaugurate within his jurisdiction as Governor. The inevitable consequence of this policy has been that organizations, completed in obedience to original requisitions from the Secretary of War, have been seriously injured, if not altogether disorganized, by these independent movements, and if subsequent demands have not been as expeditiously complied with as they should have been the deficiency is chiefly attributable to this fact.

Another serious obstacle has been the want of legislative authority and of the material resources for placing volunteers in an organized and effective condition. The present militia law—as all other laws made for similar purposes in time of peace—is impracticable in its character and unwieldy in its operations. The efforts which have been made under its provisions have disclosed the fact that it is ill adapted to the necessities of an actual war. It will be the duty of your honorable body to remedy the defects of this law and to render it more useful in accomplishing the object for which it was intended. The last serious obstacle to the military operations of the State which will be mentioned is the fact that the previous Legislature did not have a full appreciation of the greatness of the conflict upon the threshold of which we then stood. We could all see the triumphant and majestic Confederacy of States down the vista of the not distant future, but all did not realize a sense of the trial and struggle through which we were to pass. Hence it was that the honorable body to which I allude made no provision for the contest into which we are now plunged, and those things which have been accomplished have been done to a great extent without the sanction of positive legislation and upon the responsibility of the Executive. But, not regarding all the difficulties which have impeded the action of the State and looking only to those results which have been attained by the spontaneous action of the people, we have reason for congratulation upon the past and for additional self-reliance in the future. Twenty thousand Texans are now battling for the rights of our new-born but gigantic Government. They are waiting to win fresh laurels in heroic old Virginia. They are ready to aid in lifting the yoke from Kentucky's prostrate neck, and are marshaled in defense of the sovereignty of Missouri. They have covered with a brilliant glory the plains of New Mexico, and are formed in a cordon of safety around the border of our own great State. If such positive results have sprung from the spontaneous action of the people, what may we hope will not be accomplished when the entire latent forces of the State are shaped into system and efficiency? The number of able-bodied fighting men in the State, forming an estimate from all the data which can be commanded, is more than 100,000. What, then, is required is a definite, practical legislation that will enable this mass to be commanded and provide for the formation of such a military system as our necessities require. For the accomplishment of this object the Executive does not feel authorized to commend to you any particular line of policy. That can be best determined upon by the superior wisdom of your honorable body.

In February last the Committee on Public Safety, acting with full power under an ordinance of the convention, sent some troops to Fort Brown and other points on the Lower Rio Grande. These companies were mustered into the service of the State for six months. An opportunity was subsequently extended to them of being received into the Confederate Army. This they refused to do and were therefore State troops to the time of the expiration of their term of service. Just before the time of their enlistment was completed Col. Charles Lovenskiold was sent as a special agent to the Rio Grande to ascertain their condition, investigate the causes of certain disaffection which was said to exist, muster them out of service, and have them transported to Victoria. This agent has thus far discharged his duty with signal promptitude and ability. The business, however, has proved one of such extent that he has not yet completed it sufficiently to make his final report. These troops, which have undergone many hardships and privations, could not be paid even in treasury warrants. There was only the power to issue to them certificates of debt, and their payment is a subject to which the early attention of the Legislature is invited. Some complaints have reached the Executive to the effect that this command has suffered from the negligence of the authorities of the State. These troops had been sent out on a suddenly conceived expedition and without that thorough organization of the quartermaster's and commissary departments so essential for a lengthy station in an isolated locality. They were under the management of an accomplished commander, who doubtless adopted every possible means to insure their comfort. The reports from this officer indicate occasionally an approaching want of supplies, but in many of them he announces having made temporary arrangements, and upon the 30th of June he says: "We have supplies enough on hand for two months to come," which time would complete the period for which the troops were enlisted. These facts, in addition to the one that the Legislature had made no provision for the purchase and transportation of supplies to this command, will permit nothing reprehensible to attach to the authorities of the State in regard to it.

By act of the last Legislature the Governor was required to negotiate a loan of $1,000,000 by having the bonds of the State to that amount executed and placed in the hands of an agent to be sold from time to time, and the proceeds of sale deposited in some bank in the city of New Orleans. It was attempted promptly to carry out the requirements of this law by the appointment, as agent of the State to negotiate the loan, of General E. B. Nichols, of Galveston. He was, as will be seen by documents (Doc. B) herewith submitted,* properly accredited for the purposes of his mission and fully instructed as to his powers and duties. He has only partially succeeded. The bonds to be procured have reached this department and are now deposited in the treasurer's office. He, however, did not succeed in negotiating the loan or any portion of the same. His report shows the causes—consequent upon the financial depression of the country—which operated against the accomplishment of the desired object. This matter is commended to the consideration of your honorable body for such action as you may deem necessary. The law is still in force and the authority to the agent unrevoked. Whether or not the existing condition of affairs will justify the continuance of the effort to carry out the intention of the Legislature in this respect is a question which addresses itself forcibly to your determination. In obedience to this same law there is now being collected

*Not found.

the tax imposed for the payment of the interest to accrue upon the bonds which might be negotiated. This tax cannot be diverted to any other purpose from the one for which it was intended by the law. The question then arises, provided the object of the act is not attained, whether or not it is essential to the public interest to enforce its collection.

By an act of the same session with the one already noticed, you will perceive that for the purpose of securing means for the payment of certain debts created by authority of the convention the Executive was required to borrow the sum of $90,000 for twelve months, the interest not to exceed 12 per cent.; and if necessary he was further authorized to withdraw bonds of the Texas and Central Railroad Company to the amount of $150,000, and hypothecate them for payment of the principal and interest of the loan. Documents herewith submitted* will show the steps taken to comply with the object of this law. The required amount of bonds, as above specified, were delivered to General Nichols for the object contemplated in the act. They were deposited by him in the Citizens' Bank of New Orleans, where they still remain. He will, when opportunity may offer, withdraw the bonds and return them to the proper office at this place, unless otherwise instructed. No portion of this loan has been obtained. The heads of the different departments of the Government have extended to the Executive their constant co-operation and advice, and have been to him of very great service, for which he acknowledges his deep indebtedness. Their very able and satisfactory reports are submitted to you with this communication. To them you are referred for specific details and suggestions connected with their respective departments. You are especially referred to the comprehensive facts and sound suggestions embraced in the report of the honorable comptroller. The question of finance is at all times the one of primary importance with a legislative body, but never before in the history of Texas has it possessed such surpassing importance and at the same time been environed by so many difficulties.

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The blockade of our ports, cutting off the usual sources of supply of manufactured goods, and the increased demand for such fabrics consequent upon retaining a large number of troops in the field, directed the attention of the Executive to the manufacturing power of this institution.† Its managers were requested to apply the whole of their available force to the fabrication of goods for military purposes. This has been assiduously done. Would it not be a wise policy for the Legislature to take steps to purchase all goods made at this institution suitable for the use of our troops, or to make an appropriation for its support and take possession of all its fabrics of the required class? By these means the State may be able to a great degree to clothe the soldiers of Texas who may be in the field. Thus you may be able to comply with the prudent suggestion of the Secretary of War contained in a letter which is submitted to you. This communication advises that this State supply her own troops with clothing and receive for the same the commutation of $25 for every six months' clothing furnished to each soldier. State agency in this respect will prove more efficient than the operations of the General Government, and the subject is well worthy of your consideration. By act of Congress (Doc.

*Not found.

†The State penitentiary.

H)* all claims incurred by the several States of the Confederacy arising from the circumstances which impelled their action previous and subsequent to their several acts of secession are assumed by the Confederate Government. The act, however, requires the Governors of the respective States to forward the claims to the Secretary of the Treasury, in order that they may be audited. They will have to be collected and thrown into shape by the several States, and for this purpose some provision having such object in view should commend itself to your consideration.

In compliance with a joint resolution of the Legislature "providing for the turning over of property now in the possession of the State, lately taken from the United States Government, to the Confederate States Government," and upon the arrival of the agents of the Confederate States, the ordnance and inspector-general and quartermaster-general, designated by the convention to take control of all such property, were ordered to turn it over to the proper agents. The property in charge of the ordnance and inspector-general was promptly transferred and the required schedule and receipts filed with the comptroller. It was impossible that the work of the quartermaster-general should be so rapidly completed. The property under his charge was turned over en masse in order to facilitate the operations of the Confederate Government in this department, but a considerable time has been required to receive and take receipts for the same, accompanied by schedules specifying each item and its condition. The gentleman upon whom devolved the duties of this office has discharged them faithfully and ably, but the immense amount of property which he was required to transfer and the extent of country over which it was scattered have protracted the operations of his office. His report is herewith submitted (Doc. I).†

An ordinance of the convention appointed Maj. Ben. McCulloch to purchase or otherwise obtain for the State of Texas 1,000 Colt revolvers and 1,000 Morse rifles, or a like number of such other weapons of a similar character as he might approve and obtain. He entered promptly upon his mission, but found it impossible to procure the rifles. The pistols, however, were secured, and have been of great service in arming the regiment called out by the convention. The claim for these arms, which is about $25,000, is due to a citizen of the Government with which we are at war, and it will devolve upon the Legislature to determine upon its adjustment. Some strenuous exertions have been made by the Executive to procure an additional supply of arms for the State, but this subject it is deemed prudent to make the substance of a special report to your honorable body.

Gentlemen, having fulfilled my constitutional duty, it is now my privilege to commit the government into your hands and into those of the distinguished gentleman whom my fellow-citizens have chosen to succeed me, and who will co-operate with you in your future legislation. In the foregoing communication I have said only those things which the propriety of my situation would permit and which the most important necessities of the government demanded. It was sufficient that I should convey to you a succinct statement of the significant

* Not found herewith, but see act of August 30, 1861, p. 585.

† Not found.

transactions which have transpired since the occasion upon which I assumed the responsibility of acting as Chief Magistrate of this State. There are many more things which I might have said. It was no difficult task to indulge in reflections and to amplify recommendations. But we are in the beginning of an age of action. What you require are facts. Your wisdom will enable you to mold them into law, and your freshness from the great source of all law and all sovereignty—the people—will cause you to conform your actions to their will. The realities of a great war in which we are engaged will require the exercise of all your financial ability, all your military skill and devotion to the public welfare. I am confident that you will display all these qualities, at the same time that you will rely unwaveringly upon "Him who doeth all things well." Thus will the fruits of your labors soon be peaceful independence and a prosperous State.

EDWARD CLARK.

ORDNANCE DEPARTMENT OF VIRGINIA,
November 2, 1861.

His Excellency Governor LETCHER:

SIR: I understand that a number of Virginia manufactured muskets made at the armory here many years ago, and that have been issued from this department, are being gathered into the Confederate Ordnance Department to be altered into percussion, and, as I may suppose, to be reissued to troops generally as an issue from the Confederate States. Now, there is no objection to these arms going into the field to any troops if Virginia has the credit of such issue. As there is to be a final settlement between all the States of the South, when the value of all issues will be an element of credit to the State issuing, if Virginia's arms are to be issued by the Confederate authorities the State is not only deprived of the credit due her, but the issue thus made will become in part a charge upon her in the final settlement. Virginia has issued 10,000 percussion muskets, United States, and 50,000 Virginia flint-lock muskets, these last plainly known by the stamp "Virginia" upon the lock. I think it but fair to this State that the Ordnance Department of the Confederate Army be instructed by the Honorable Secretary of War to turn over to this department all thus marked, that I may put them in good order for reissue. In addition to the Virginia flint-locks this State has issued 10,000 U. S. flint-locks, which she received from the Federal Government years ago. These have no distinctive mark, and therefore cannot be recognized as belonging to this State; yet, as they are also coming in to be altered for reissue, ought not a due proportion of these be turned over to this department, when they fall into the hands of the Confederate Department, for like reasons? My impression is that but very few of flint-lock muskets have gone into the field except from Virginia. If this be so, then all flint-lock muskets gathered into the Ordnance Department of the Confederate States should be turned over to this armory, that they be put in order and held subject to proper order. This is a matter of large consideration, and I think that if the Honorable Secretary of War is made to understand it he will correct the wrong.

I am, very respectfully,

C. DIMMOCK,
Chief of Ordnance of Virginia.

[NOVEMBER 3, 1861.—For A. S. Johnston to Harris, in relation to troops furnished by the State of Tennessee, see Series I, Vol. IV, p. 505.]

[NOVEMBER 5, 1861.—For Milton to Benjamin, offering to raise two more regiments in Florida, see Series I, Vol. VI, p. 308.]

[NOVEMBER 5, 1861.—For Harris to A. S. Johnston, in relation to troops furnished by State of Tennessee, see Series I, Vol. IV, p. 518.]

RICHMOND, VA., *November 6, 1861.*

Bishop MEADE, of Virginia:

SIR: I have the honor to acknowledge the receipt of your letter of the 4th and 6th instant, in which you ask the discharge of young men in the Army who are candidates for the ministry. While recognizing the importance of your request to the well being of society, I am compelled by the necessities of the public defense to decline to make the proposed exception to the general rule governing the discharge of soldiers.

Very respectfully, yours,

JEFF'N DAVIS.

GENERAL ORDERS, No. 17. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., November 7, 1861.*

Paragraphs IV and V, Army Regulations, published for guidance of the Army, August, 1861, are modified as follows:

IV. Whenever a non-commissioned officer or soldier shall be unfit for military service in consequence of wounds, disease, or infirmity, his captain shall forward through the commander of the regiment or battalion to the brigade commander, or other officer next higher in rank to the commander of the regiment or battalion, a statement of the case, with a "certificate of disability" signed by the medical officer having charge of the invalid, with a recommendation for discharge or furlough, as the case may require; and if the recommendation be approved the authority for discharge or furlough shall be indorsed on the "certificate of disability," which shall then be returned to the commanding officer of the regiment or battalion, who will cause the proper papers to be made out—final statements and discharge in the first case, furloughs and descriptive rolls in the second. The certificate of disability, properly indorsed in case of discharge, will be forwarded by commanding officer to Adjutant and Inspector General.

V. Where invalids are absent from their regiments or companies in hospitals, the surgeon in charge will make out certificates of disability in all cases of disease likely to prove of long continuance and forward them to commanding officer of regiment or battalion to which the invalid belongs for reference, as prescribed in preceding paragraph.

By order of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

[NOVEMBER 7, 1861.—For Milton to Benjamin, in regard to the organization of troops in Florida, see Series I, Vol. LIII, p. 185.]

RICHMOND, FREDERICKSBURG AND POTOMAC R. R. CO.,
PRESIDENT'S OFFICE,
Richmond, November 10, 1861.

Hon. J. P. BENJAMIN,
Secretary of War:

DEAR SIR: Upon the seizure, on the 19th of April last, of the Potomac River steam-boats by the Lincoln Government, in accordance with suggestions which I then made to General R. E. Lee, then commanding the forces of this State, and which he adopted in a circular issued by him to the railroad companies of this State, various precautionary measures were adopted by this company to place this road in a state of defense against the designs of the enemy and to make it most useful to our Government. Among these was the employment at all of the bridges on the road of armed guards where none had been employed before, and of additional ones where any had been before employed, for the protection of those important structures from the incendiary designs of secret enemies and emissaries employed by the enemy. After continuing their employment some four months at the exclusive cost of this company, the Government having declined to defray any part of that cost, or even to furnish arms or ammunition for those guards, the Government then having troops at several points on the road, with the command of the militia along its whole length, and the expense to this company being too burdensome to be continued, I addressed a note to General Lee apprising him that at the end of that month the employment of these additional guards would be discontinued on this road, and suggested that of the troops stationed at different camps along the road, or from the militia of the counties through which it passes, guards for day and night sentry duty at each railroad bridge should be regularly detailed by the officers immediately in command of those troops. No reply was ever received to this note. The recent destruction of the railroad bridges in East Tennessee induces me to renew to you the suggestion made to General Lee, not only as to this railroad, the sole railroad connecting the Lower Potomac with the seat of Government, headquarters and general rendezvous of the Army, and with the South, but also as to the other railroads in the Confederate States now so essential to the public service. It is true that all are not like the East Tennessee railroads, surrounded by a population largely disloyal, but in the most loyal sections of the country there may be secret enemies and employés of the enemy who in the solitude of the country and darkness of night may, by burning these bridges with impunity, inflict most disastrous blows upon the success of our arms, and earn of the Lincoln Government ample rewards for treachery. The destruction of one or two bridges on this road would cut off railroad communication with the Lower Potomac and cripple that with the Upper Potomac also, as this road furnishes transportation for troops and supplies over the Central Railroad also, which also has an important bridge within twenty-five miles of Richmond. The destruction of the East Tennessee railroad bridges leaves now for army transportation but one railroad route to the south and southwest. The destruction of either of the long bridges over the James or Roanoke Rivers (to say nothing of the

lesser ones) would deprive you of that sole remaining route. The expense of this arrangement to the Government would be, if anything additional to its necessary pay of the troops who might otherwise be idle, trivial compared with the importance of the security attained, while it would be an intolerable burden to the railroad companies, who could not employ the same number of men for less than double the wages paid to soldiers, amounting to many times the cost of insurance, and who in the performance of an enormous amount of transportation for the Government at half or less than half tolls, and often at a considerable loss, with the wear and destruction of their machinery, not to be replaced at scarcely any cost, and the many times multiplied cost of all their materials and supplies, are, and have been, making sacrifices for the public good which have no parallel in the country, and may exhaust their means of maintenance before the end of the existing war.

With much respect, your obedient servant,

P. V. DANIEL, JR.,

President Richmond, Fredericksburg and Potomac R. R. Co.

[NOVEMBER 11, 1861.—For Secretary of War to Harris, in relation to the numerical designation of Tennessee organizations, see Series I, Vol. LII, Part II, p. 205.]

EXECUTIVE DEPARTMENT,

Austin, Tex., November 15, 1861.

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES:

You have assembled at the capitol at a time when it will require all of your ability and patriotism to sustain the State in her present proud position, give protection and security to the people, place her financial affairs on a sound basis, and give that strength to the Government of the Confederate States as may reasonably be expected from a State so powerful as Texas. From the inception of the present troubles to this period Texas has been keenly alive to her own security and fully up to the expectations of her sister States in her efforts for the general welfare. As was natural, the people of this State determined that they never would submit to have their own rights or the rights of the State government absorbed by a fanatical Government, fast drifting to centralism and all the evils incident to a system based on laws higher than the Constitution. So soon as it was ascertained that our once prosperous country had been placed under the administration of the Black Republican party, it was at once decided by the almost unanimous voice of the country that secession from the Government of the United States was not only a right possessed, but a great political necessity. The separation of the two Governments was effected by the resumption on the part of Texas of the powers she had delegated to the Federal Government. The people of the Northern States, who had time and again asserted that the States of the South could not be driven from the Union, declaring that if they desired to secede they should be permitted to do so, when secession became an established fact, were suddenly seized with the conviction that the Union was a perpetual one; the right of secession was denied, and the policy adopted that the Southern States should be forced to remain and continue to pay tribute to the North, as they had been doing since the formation of the Government, or else be subjugated

and governed as conquered provinces. As a consequence war ensued. The condition of the public mind at the North, as exhibited through the triumph of Black Republicanism, should have been a sufficient warning that we should expect nothing less. Nevertheless, the storm came upon us when we were but illy prepared to meet it, and although you are here, gentlemen, in attendance at the capitol, performing the duties assigned you by the constitution without hindrance or molestation, yet we are in the midst of a most unnatural war, waged by our most unnatural enemies; and to-day your fellow-citizens, to the number of 20,000, are in the tented field. This being but the beginning of the war, we know not how soon we may be called upon for 20,000 more. Our people have nobly responded to the call of their Government, and with eagerness rushed to the field of conflict. I am happy to say that Texas can and will double the number of her men in the field whenever informed of the necessity.

No Legislature of any State has ever been called upon to act under more embarrassing circumstances than those which surround you. The State heretofore resting in that security which characterizes all powerful governments in times of profound peace, with no prospect of war, had, in pursuance of a generous and liberal policy, appropriated of her large means to purposes of education, internal improvements, and other objects of general usefulness, in consequence of which you find at this time, when a full treasury is so much needed, the State government absolutely without a dollar subject to the appropriation for the purpose of carrying on the civil affairs, or of placing the State in the condition of security against the invasion of the enemy. Hence it will require your deepest wisdom and most patient exertions to sustain your State in the present crisis, because, gentlemen, it devolves on you not only to provide the means for the support of the civil government and to pay her outside military debt, but also to devise and adopt such measures as will enable Texas to perform her duty toward the Government of the Confederate States, and thus, to the extent of her ability, enable those in authority to conduct the war with vigor and prosecute it to a successful termination. You will appreciate the reasons why I am under the necessity of communicating to you, in a crude and hasty manner, the present condition of the government and my present undigested views as to the course of policy to be adopted by you for the advancement of the general interest. There being no public printer has thrown into my hands a mass of manuscript from the heads of the various departments, which can be mastered only after much labor and consumption of time. Believing that you were desirous of hearing from the Executive at the earliest day practicable, I have prepared this communication with the greatest dispatch in my power. If, after I become more familiar with the wants of the government by a careful and minute examination of the reports of the departments, I deem it necessary to communicate with you, I will take pleasure in laying my views before you and giving you such information as may have been acquired.

Our Indian troubles should occupy your attention. Since the withdrawal of Texas from the Government of the United States and the adoption of the system by the Confederate Government of defending the frontier by regiments of mounted men, comparative quiet in that quarter has prevailed. It, however, is now no unfrequent occurrence to hear of murders being committed and property stolen by our Indian enemies. It has been my opinion for years past that we will never live in peace with the Indians until they are convinced that we

are not alone able, but disposed, to chastise them when they commit depredations. A civilized government could not be expected to make treaties with those with whom it is at war so long as success attended its arms. Much less can it be hoped of a savage foe, who believe that they are superior in the mode of warfare pursued. It is my deliberate opinion that we will never have treaties with the Indians on our border on which we can rely, until they are made to feel the blighting effects of war visited upon them at their own homes and around their own firesides. I am very loath at this time to express any dissatisfaction at what the Confederate States Government is attempting in the way of defending and protecting our frontier, knowing as I do that its every desire is to accomplish good for our Confederacy; yet I must be permitted to say that I have no faith in the policy heretofore pursued with what are called reserve Indians. If the Government is settled in its policy to retain those Indians on reserves for the purpose of protecting, civilizing, and supporting them, they should be confined strictly to the territory provided for them, and on it clothed, fed, civilized, and protected. While they are permitted to leave the boundaries of the reserves to engage in hunting and to war with other tribes, just so long will they continue to visit our soil and come in conflict with our citizens. They should not be permitted under any guise whatever to visit our State, and I invoke you to declare by positive enactment that whenever and wherever found on our soil they will be deemed and treated as enemies. They have been the source of so many troubles on our frontier that it will require years for the people to forget their numerous atrocities. It is not hazarding too much to say that the citizens of Texas are better acquainted with the Indian character than those living in the more eastern States, and are, therefore, better qualified to suggest an efficient plan of defense against the hostile tribes.

In consequence of this fact I most respectfully suggest that you adopt some system for frontier protection best suited to our situation and the requirements of the country, and urge its immediate adoption, through our members of Congress, by the Government of the Confederate States. Under the existing state of the country in case of an invasion we must rely almost entirely on the militia of the State. I have no doubt that the great mass of the people would promptly respond to any call made upon them to defend the soil on which they live, but in order that their patriotism and valor may be efficient to successfully defend the State the men must be disciplined and fitted for actual war. Hence it becomes imperatively necessary that the revising of the militia law should engage your early attention. It has been clearly demonstrated in the last few months that the existing law does not meet the emergency; it is in many instances unwieldy and defective. A law, simple in form and easy of execution, is demanded under which every able-bodied man in the State liable to do military duty shall be enrolled, disciplined, and placed under the command of good and efficient officers. To effect this the law must be a stringent one that will bear heavily on those who fail to discharge their duties, as well officers as men. Through the efforts of the late adjutant-general a partial organization of the militia has already been effected, and I would suggest that in framing a new law or in amending the present one you will preserve the present organization as far as is practicable with the public interest. I would also suggest that you subject to militia duty every able-bodied man in the State between the ages of seventeen and fifty years.

In connection with the subject of public defense I deem it my duty to call the attention of your honorable bodies to the exposed condition of our Gulf coast. And while I feel every confidence that the Government of the Confederate States will use every exertion for the defense of our coast, yet it is certain that without the heavy guns necessary for that object but comparatively little can be done. The recent experiment made to forward cannon from the State of Louisiana demonstrates that we will have to rely exclusively on such heavy ordnance as may be now in the State, or such as can be made within the limits of the State. We have amongst us many citizens who understand the manufacture of cannon and of small-arms, and we have also quite a number of foundries in the State. We have in Cass and Bowie Counties, and it is believed in other localities, iron of a quality well adapted to the purpose, and steps should be taken for the encouragement of the manufacture of these weapons, indispensable to our defense. Legislation providing for the manufacture of these arms is necessary. Contracts might be made for that purpose, or if deemed best a State foundry might be established at some suitable point. The subject is one demanding the serious consideration of the Legislature while we yet have time to act, and I submit it to you, hoping that it will receive that attention which its importance demands.

In consequence of the blockade of our ports, the penitentiary has become very essential in supplying fabrics so much needed for the comfort of our troops. Upon this subject I beg leave to call your attention to the suggestions of my immediate predecessor. I also recommend that the suggestions of the comptroller, relative to the management of the finances of that institution, be adopted, and that the receiving and disbursing officers be required to report to and settle their accounts with the comptroller semi-annually. I would advise that in addition to the business at present carried on in the penitentiary, the directors be authorized, so soon as practicable, to establish a tannery, shoe factory, and hat manufactory, all of which would prove beneficial to the public service. I beg leave to call your attention to the very able report of the late adjutant-general, by which it will be seen that under the orders of my immediate predecessor the office went into active operation on the 1st day of May, 1861. War actually existing, it was deemed necessary that an organization of the militia should be effected. The duties of quartermaster-general, commissary-general, and ordnance officer were discharged by the adjutant-general. The necessity which called this office into active operation still exists. Under the militia law creating the office of adjutant-general the salary of that officer is merely nominal, unless he be called into active service. Since the 1st of May last the adjutant-general, through the construction placed on the law, has been receiving pay as a colonel of infantry, amounting to $2,120 per annum. Not being satisfied as to the correctness of that construction, I will be pleased (if you deem it proper to continue the adjutant-general in active service during the war) that you fix the amount of pay he is to receive. And in order to that [*sic*] the services of an officer competent to discharge the duties of the post, varied and important as they are, I would recommend that the salary be fixed at the sum of $2,000 per annum.

It will be seen by the report of the adjutant-general that there is in the hands of private parties in different parts of the State a large number of firearms, the property of the State. I deem it essential at

this time that you should adopt some rigid measure requiring such parties, under an adequate penalty, to return all such property to the office of the adjutant-general or deposit it in the hands of the chief justices of their respective counties, subject to the order of the adjutant-general. There remains in the hands of the adjutant-general property of a perishable nature, including principally a number of horses and mules which are not now, nor are they likely to be, of any immediate use to the State. This property if retained will become a heavy charge. It would be well that all of said property be sold by the adjutant-general at public sale, the proceeds received in treasury warrants and paid into the treasury. By an act of the Congress of the Confederate States that Government assumes to pay all the debts incurred by the several States incident to their secession from the Government of the United States. Texas, as one of the seceding States, will have a large claim against the Confederate Government under that law. Prudence demands that you adopt such measures as will speedily collect the testimony necessary to establish our claim, in order that it may be promptly examined and audited by that Government. You will see by referring to the report of the secretary of state that there remain on deposit in that office some 1,600 or 1,800 volumes of Oldham & White's Digests over and above the number requisite to furnish all those entitled to them by law. In view of the fact that the constitution requires a new digest of all the laws, civil and criminal, to be published within three years from the 2d day of March, 1861, these Digests are likely to become valueless to the State. It is therefore suggested that the secretary of state be authorized, after reserving a sufficient number for the use of the State, to sell the remainder at a price not less than cost.

The committee on public printing reports that, notwithstanding they complied with the law authorizing the giving of contracts to do the public printing, they have been unable to secure the services of a public printer, the parties making the bids failing to execute bond and give security. It will therefore devolve on you to take such action as the public interest requires. Permit me to suggest, however, that an amendment be made to the law regulating the public printing, requiring parties who bid for the contract to do the work to accompany their bids with approved guarantees that if their bids are accepted they will execute bond as the law requires. I would call your attention to the report of the commissioner of the general land office, the condition of the public domain, and the suggestions made relative thereto. The institution for the insane, blind, and deaf and dumb merit your attention. They have doubtless accomplished much good, and if properly managed in the future will confer great benefits on a large number of our unfortunate people and reflect great credit on the State. Should any legislation be deemed necessary to place them on a better footing, I will cheerfully co-operate with you and give any such measure my most cordial approval.

From the failure of the crops for a series of years past, together with the pressure of the money market consequent upon the existing war, the many calls made upon the people for contributions to sustain our men in the field, and the total inability of effecting sales of produce, our citizens have been embarrassed and oppressed to such a degree that some measure becomes absolutely necessary to protect them from ruinous sacrifices or utter bankruptcy. I do not deem it my duty to do more than call your attention to a subject of such vital importance.

My immediate predecessor has already invited your attention to the condition of the different railroad companies of the State, and I can but again point you to the report of the comptroller relative thereto.

It is a matter of paramount importance that the school fund should be secure, and devoted exclusively to the sacred purpose for which it was originally designed by the wise foresight of the framers of the constitution. Yet, owing to the many disadvantages that would result from the purchase by the State of the property mortgaged by the companies, it would be well for the Legislature to consider the propriety of extending some relief to these companies. Should it be deemed advisable that the time should be extended, it will be for the wisdom of your honorable bodies to devise a mode by which the prior lien of the State on these roads will not be in any way jeopardized, the school fund protected, and our system of internal improvements perfected. Should such a measure be devised, it would result in great public good and prevent the consequences which must follow under the law from the sale contemplated by it.

The finance of the State is at all times a most important question, and becomes more than ordinarily so in the present crisis. In the condition of the country at this time, and the consequent derangement of monetary matters, it would be impossible, even were it good policy, for the State to negotiate a loan. Our people well understand this, and are prepared to meet any reasonable demand made upon them by way of taxation. The very able report of the comptroller demands at your hands the most careful consideration. By it you will see that the probable receipts for the two fiscal years ending 31st day of August, 1863, exclusive of the 10 per cent. due to the school fund, amounts to $976,651.24. The expenditures for the same period of time to support the civil government amount to $608,810. In addition to this necessary expenditure, he reports that there will be required to liquidate the estimated indebtedness of the State:

First. For outstanding 10 per cent. treasury warrants issued up to 1st of September, 1861, $290,903.63.

Second. Unaudited claims:

Amount due Colonel Ford's command, on Rio Grande	$130,000
Amount due Col. H. E. McCulloch, on northwestern frontier	20,000
Amount due Colonel Ford's regiment, raised by convention, while in State service	30,000
Amount due Colonel Dalrymple's command, on northwestern frontier	17,000
Amount due minute companies for 1860 and 1861	40,000
Amount due other service	37,000
Amount due obtaining and turning over property belonging to the United States	100,000
Amount due purchase Colt pistols	25,000
Amount due Gregg's, Parsons', Locke's, and Sims' regiments	250,000

The audited and unaudited debt, aggregating the sum of $939,903.63, which, added to the sum necessary to the support of the civil government, makes the sum of $1,548,713.63, which amount is required for the support of the civil government to the end of the fiscal year ending 31st of August, 1863, and to liquidate the audited and unaudited debt of the State, as estimated up to the 1st of September, 1861. It will thus be seen that the sum required for the support of the civil government for the two fiscal years ending 31st of August, 1863, and for the payment of the present outstanding debt of the State, amounts to $572,062.39 over and above the estimated receipts for the same period of time. These are demands and expenditures that we know must be

provided for, leaving out of view any additional amounts Texas may be called on to raise to aid and assist the Confederate Government in prosecuting the war, and which she may find necessary to expend in the protection of her own soil. In order to meet the deficit manifested on the report of the comptroller, he advises an increase of taxation to 25 cents on $100 worth of taxable property in the State, and a reduction in the price of public lands to 50 cents an acre. I here call your special attention to this portion of the report, and urge upon you to give it mature and deliberate consideration, believing as I do that the sales of public lands, even at the reduced price proposed, will fall far short of the amount estimated by the comptroller, and that we must rely almost entirely on taxation. No one regrets more than I do the necessity of increased taxation at this time of peculiar hardship upon the people, particularly when I am so well aware that for the past eight months our citizens, with some exceptions, have responded so generously and liberally to the support and comfort of the gallant spirits in the field. But we must bear in mind that we are engaged in a contest for liberty, equality, and the right of self-government. To secure these our home and General Government must be sustained at every sacrifice. Under these circumstances I deem it imperatively necessary that at least the rate of taxation proposed by the comptroller should be levied for the relief of the treasury during the next two years. The present tax for county purposes is deemed sufficient, inasmuch as they are generally supplied with their public buildings, and the contingent expenses of the courts being greatly reduced by their partial suspension. Should, however, any of the counties, from their spirit of liberality in making advances toward the equipment of troops and otherwise aiding in the struggle, find it necessary to ask permission to levy a further tax than that allowed by law, I would advise a generous consideration of such application. The treasury at this time having no gold or silver in its vaults, it becomes necessary for you by legislation to provide means for carrying on the civil government until such time as the treasury shall be in receipt of its usual revenues.

For this purpose, from the limited information now in my possession, I can point you to no better mode than the issue of treasury warrants payable at the treasurer's office out of any moneys not otherwise appropriated. I would suggest, however, that hereafter the warrants should be so issued as to bear no interest. The treasury warrants, now outstanding and bearing 10 per cent. interest, are selling at a most ruinous discount, and I can safely say that the civil government cannot be supported by the issue of treasury warrants unless you by some legislation shall cause them to appreciate to at least near their face value. To accomplish so desirable a result I would suggest to you to take into consideration the propriety of making all the warrants heretofore issued, as well as those which may be hereafter issued, receivable in payment of taxes and for all other public dues of whatever nature or kind. Esteeming it as I do the duty of our State, as well as the duty of every citizen, to sustain by every means in their power the credit of the Confederate States, I cannot but recommend that the treasury notes issued by that Government be by an act of the Legislature placed on the same footing as the warrants issued by our State treasury, and that they also be made receivable in payment of all public dues.

I am pleased to inform you that it appears from the record in the executive department that the Legislature of the State of Louisiana

caused to be placed in good order and presented to the State of Texas the two beautiful guns known as the Twin Sisters, so famous in our history for services derived from them on the field of San Jacinto. I trust that the Legislature will acknowledge the kind and complimentary act in an appropriate manner.

Gentlemen, the very able manner in which my immediate predecessor has detailed to you the many important matters that have transpired during the late eventful times leaves me nothing more to say. I cannot conclude, however, without expressing the hope that you will during the present session of the Legislature confine your action, as far as may comport with your ideas of propriety, to matters of general interest and those laws of pressing necessity. That every endeavor will be used by you to bear the standard of Texas aloft; that you will struggle by every means in your power to strengthen the arm of the Confederate States I feel fully satisfied. And permit me, gentlemen, to assure you that you shall have my hearty co-operation in all matters tending toward the general welfare. Let us do our duty, and with the aid of an all-wise and all-seeing Providence our country will emerge from this unholy war with a fame world wide and her honor untarnished.

Very respectfully,

F. R. LUBBOCK.

MOBILE, *November 16, 1861.*

J. P. BENJAMIN:

I have the pleasure of advising you that the Mobile and Great Northern Railroad was, according to our contract, put in operation on yesterday, the 15th instant.

W. D. DUNN,
President.

[NOVEMBER 16 and 18, 1861.—For Clark to Benjamin, in relation to the organization and disposition of troops in view of the disaffection in North Carolina counties bordering on Tennessee, and Benjamin's reply (21st), see Series I, Vol. LII, Part II, pp. 209, 210, 214.]

[NOVEMBER 16, 1861.—For A. S. Johnston to Harris, in relation to troops furnished by the State of Tennessee, see Series I, Vol. IV, p. 558.]

[NOVEMBER 17, 1861.—For Brown to Benjamin, urging the importance of sending troops to the line of Tennessee, to aid in suppressing revolt in that section, see Series I, Vol. LII, Part II, p. 209.]

RICHMOND, *November 18, 1861.*

THE CONGRESS OF THE CONFEDERATE STATES:

The few weeks which have elapsed since your adjournment have brought us so near the close of the year that we are now able to sum up its general results. The retrospect is such as should fill the hearts

of our people with gratitude to Providence for His kind interposition in their behalf. Abundant yields have rewarded the labor of the agriculturist, whilst the manufacturing industry of the Confederate States was never so prosperous as now. The necessities of the times have called into existence new branches of manufactures and given a fresh impulse to the activity of those heretofore in operation. The means of the Confederate States for manufacturing the necessaries and comforts of life within themselves increase as the conflict continues, and we are gradually becoming independent of the rest of the world for the supply of such military stores and munitions as are indispensable for war.

The operations of the Army, soon to be partially interrupted by the approaching winter, have afforded a protection to the country and shed a luster upon its arms through the trying vicissitudes of more than one arduous campaign which entitle our brave volunteers to our praise and our gratitude. From its commencement up to the present period the war has been enlarging its proportions and expanding its boundaries so as to include new fields. The conflict now extends from the shores of the Chesapeake to the confines of Missouri and Arizona; yet sudden calls from the remotest points for military aid have been met with promptness enough not only to avert disaster in the face of superior numbers, but also to roll back the tide of invasion from the border.

When the war commenced the enemy were possessed of certain strategic points and strong places within the Confederate States. They greatly exceeded us in numbers, in available resources, and in the supplies necessary for war. Military establishments had been long organized and were complete; the Navy, and for the most part the Army, once common to both, were in their possession. To meet all this we had to create not only an Army in the face of war itself, but also the military establishments necessary to equip and place it in the field. It ought indeed to be a subject of gratulation that the spirit of the volunteers and the patriotism of the people have enabled us, under Providence, to grapple successfully with these difficulties. A succession of glorious victories at Bethel, Bull Run, Manassas, Springfield, Lexington, Leesburg, and Belmont has checked the wicked invasion which greed of gain and the unhallowed lust of power brought upon our soil, and has proved that numbers cease to avail when directed against a people fighting for the sacred right of self-government and the privileges of freemen. After more than seven months of war the enemy have not only failed to extend their occupancy of our soil, but new States and Territories have been added to our Confederacy, while, instead of their threatened march of unchecked conquest, they have been driven, at more than one point, to assume the defensive, and, upon a fair comparison between the two belligerents as to men, military means, and financial condition, the Confederate States are relatively much stronger now than when the struggle commenced.

Since your adjournment the people of Missouri have conducted the war in the face of almost unparalleled difficulties with a spirit and success alike worthy of themselves and of the great cause in which they are struggling. Since that time Kentucky, too, has become the theater of active hostilities. The Federal forces have not only refused to acknowledge her right to be neutral, and have insisted upon making her a party to the war, but have invaded her for the purpose of attacking the Confederate States. Outrages of the most despotic

character have been perpetrated upon her people; some of her most eminent citizens have been seized and borne away to languish in foreign prisons, without knowing who were their accusers or the specific charges made against them, while others have been forced to abandon their homes, families, and property, and seek a refuge in distant lands.

Finding that the Confederate States were about to be invaded through Kentucky, and that her people, after being deceived into a mistaken security, were unarmed and in danger of being subjugated by the Federal forces, our armies were marched into that State to repel the enemy and prevent their occupation of certain strategic points which would have given them great advantages in the contest—a step which was justified not only by the necessities of self-defense on the part of the Confederate States, but also by a desire to aid the people of Kentucky. It was never intended by the Confederate Government to conquer or coerce the people of that State; but, on the contrary, it was declared by our generals that they would withdraw their troops if the Federal Government would do likewise. Proclamation was also made of the desire to respect the neutrality of Kentucky and the intention to abide by the wishes of her people as soon as they were free to express their opinions. These declarations were approved by me, and I should regard it as one of the best effects of the march of our troops into Kentucky if it should end in giving to her people liberty of choice and a free opportunity to decide their own destiny according to their own will.

The Army has been chiefly instrumental in prosecuting the great contest in which we are engaged, but the Navy has also been effective in full proportion to its means. The naval officers, deprived to a great extent of an opportunity to make their professional skill available at sea, have served with commendable zeal and gallantry on shore and upon inland waters, further detail of which will be found in the reports of the Secretaries of the Navy and War. In the transportation of the mails many difficulties have arisen, which will be found fully developed in the report of the Postmaster-General. The absorption of the ordinary means of transportation for the movements of troops and military supplies; the insufficiency of the rolling-stock of railroads for the accumulation of business resulting both from military operations and the obstruction of water communication by the presence of the enemy's fleet; the failure, and even refusal, of contractors to comply with the terms of their agreements; the difficulties inherent in inaugurating so vast and complicated a system as that which requires postal facilities for every town and village in a territory so extended as ours, have all combined to impede the best-directed efforts of the Postmaster-General, whose zeal, industry, and ability have been taxed to the utmost extent. Some of these difficulties can only be overcome by time and an improved condition of the country upon the restoration of peace, but others may be remedied by legislation, and your attention is invited to the recommendations contained in the report of the head of that Department.

The condition of the Treasury will doubtless be a subject of anxious inquiry on your part. I am happy to say that the financial system already adopted has worked well so far, and promises good results for the future. To the extent that Treasury notes may be issued the Government is enabled to borrow money without interest, and thus facilitate the conduct of the war. This extent is measured by the portion of the field of circulation which these notes can be made to

occupy. The proportion of the field thus occupied depends again upon the amount of the debts for which they are receivable; and when dues, not only to the Confederate and State governments, but also to corporations and individuals, are payable in this medium, a large amount of it may be circulated at par. There is every reason to believe that the Confederate Treasury note is fast becoming such a medium. The provision that these notes shall be convertible into Confederate stock bearing 8 per cent. interest, at the pleasure of the holder, insures them against a depreciation below the value of that stock, and no considerable fall in that value need be feared so long as the interest shall be punctually paid. The punctual payment of this interest has been secured by the act passed by you at the last session, imposing such a rate of taxation as must provide sufficient means for that purpose.

For the successful prosecution of this war it is indispensable that the means of transporting troops and military supplies be furnished, as far as possible, in such manner as not to interrupt the commercial intercourse between our people nor place a check on their productive energies. To this end the means of transportation from one section of our country to the other must be carefully guarded and improved. And this should be the object of anxious care on the part of State and Confederate governments, so far as they may have power over the subject.

We have already two main systems of through transportation from the north to the south—one from Richmond along the sea-board; the other through Western Virginia to New Orleans. A third might be secured by completing a link of about forty miles between Danville, in Virginia, and Greensborough, in North Carolina. The construction of this comparatively short line would give us a through route from north to south in the interior of the Confederate States and give us access to a population and to military resources from which we are now in great measure debarred. We should increase greatly the safety and capacity of our means for transporting men and military supplies. If the construction of this road should, in the judgment of Congress as it is in mine, be indispensable for the most successful prosecution of the war, the action of the Government will not be restrained by the constitutional objection which would attach to a work for commercial purposes, and attention is invited to the practicability of securing its early completion by giving the needful aid to the company organized for its construction and administration.

If we husband our means and make a judicious use of our resources it would be difficult to fix a limit to the period during which we could conduct a war against the adversary whom we now encounter. The very efforts which he makes to isolate and invade us must exhaust his means, whilst they serve to complete the circle and diversify the productions of our industrial system. The reconstruction which he seeks to effect by arms becomes daily more and more palpably impossible. Not only do the causes which induced us to separate still exist in full force, but they have been strengthened, and whatever doubt may have lingered in the minds of any must have been completely dispelled by subsequent events. If instead of being a dissolution of a league it were indeed a rebellion in which we are engaged, we might find ample vindication for the course we have adopted in the scenes which are now being enacted in the United States. Our people now look with contemptuous astonishment on those with whom they had been so recently associated. They shrink with aversion from the

bare idea of renewing such a connection. When they see a President making war without the assent of Congress; when they behold judges threatened because they maintain the writ of habeas corpus so sacred to freemen; when they see justice and law trampled under the armed heel of military authority, and upright men and innocent women dragged to distant dungeons upon the mere edict of a despot; when they find all this tolerated and applauded by a people who had been in the full enjoyment of freedom but a few months ago—they believe that there must be some radical incompatibility between such a people and themselves. With such a people we may be content to live at peace, but the separation is final, and for the independence we have asserted we will accept no alternative.

The nature of the hostilities which they have waged against us must be characterized as barbarous wherever it is understood. They have bombarded undefended villages without giving notice to women and children to enable them to escape, and in one instance selected the night as the period when they might surprise them most effectually whilst asleep and unsuspicious of danger. Arson and rapine, the destruction of private houses and property, and injuries of the most wanton character, even upon non-combatants, have marked their forays along our borders and upon our territory. Although we ought to have been admonished by these things that they were disposed to make war upon us in the most cruel and relentless spirit, yet we were not prepared to see them fit out a large naval expedition, with the confessed purpose not only to pillage, but to incite a servile insurrection in our midst. If they convert their soldiers into incendiaries and robbers, and involve us in a species of war which claims non-combatants, women, and children as its victims, they must expect to be treated as outlaws and enemies of mankind. There are certain rights of humanity which are entitled to respect even in war, and he who refuses to regard them forfeits his claims, if captured, to be considered as a prisoner of war, but must expect to be dealt with as an offender against all law, human and divine.

But not content with violating our rights under the law of nations at home, they have extended these injuries to us within other jurisdictions. The distinguished gentlemen whom, with your approval at the last session, I commissioned to represent the Confederacy at certain foreign courts, have been recently seized by the captain of a U. S. ship of war on board a British steamer on their voyage from the neutral Spanish port of Havana to England. The United States have thus claimed a general jurisdiction over the high seas, and entering a British ship, sailing under its country's flag violated the rights of embassy, for the most part held sacred even amongst barbarians, by seizing our ministers whilst under the protection and within the dominions of a neutral nation. These gentlemen were as much under the jurisdiction of the British Government upon that ship and beneath its flag as if they had been on its soil, and a claim on the part of the United States to seize them in the streets of London would have been as well founded as that to apprehend them where they were taken. Had they been malefactors and citizens even of the United States they could not have been arrested on a British ship or on British soil, unless under the express provisions of a treaty and according to the forms therein provided for the extradition of criminals.

But rights the most sacred seem to have lost all respect in their eyes. When Mr. Faulkner, a former minister of the United States to France, commissioned before the secession of Virginia, his native

State, returned in good faith to Washington to settle his accounts and fulfill all the obligations into which he had entered, he was perfidiously arrested and imprisoned in New York, where he now is. The unsuspecting confidence with which he reported to his Government was abused, and his desire to fulfill his trust to them was used to his injury. In conducting this war we have sought no aid and proposed no alliances offensive and defensive abroad. We have asked for a recognized place in the great family of nations, but in doing so we have demanded nothing for which we did not offer a fair equivalent. The advantages of intercourse are mutual amongst nations, and in seeking to establish diplomatic relations we were only endeavoring to place that intercourse under the regulation of public law. Perhaps we had the right, if we had chosen to exercise it, to ask to know whether the principle that "blockades to be binding must be effectual," so solemnly announced by the great powers of Europe at Paris, is to be generally enforced or applied only to particular parties. When the Confederate States, at your last session, became a party to the declaration reaffirming this principle of international law, which has been recognized so long by publicists and governments, we certainly supposed that it was to be universally enforced. The customary law of nations is made up of their practice rather than their declarations; and if such declarations are only to be enforced in particular instances at the pleasure of those who make them, then the commerce of the world, so far from being placed under the regulation of a general law, will become subject to the caprice of those who execute or suspend it at will. If such is to be the course of nations in regard to this law, it is plain that it will thus become a rule for the weak and not for the strong.

Feeling that such views must be taken by the neutral nations of the earth, I have caused the evidence to be collected which proves completely the utter inefficiency of the proclaimed blockade of our coast, and shall direct it to be laid before such governments as shall afford us the means of being heard. But, although we should be benefited by the enforcement of this law so solemnly declared by the great powers of Europe, we are not dependent on that enforcement for the successful prosecution of the war. As long as hostilities continue the Confederate States will exhibit a steadily increasing capacity to furnish their troops with food, clothing, and arms. If they should be forced to forego many of the luxuries and some of the comforts of life, they will at least have the consolation of knowing that they are thus daily becoming more and more independent of the rest of the world. If in this process labor in the Confederate States should be gradually diverted from those great Southern staples which have given life to so much of the commerce of mankind into other channels, so as to make them rival producers instead of profitable customers, they will not be the only or even the chief losers by this change in the direction of their industry. Although it is true that the cotton supply from the Southern States could only be totally cut off by the subversion of our social system, yet it is plain that a long continuance of this blockade might, by a diversion of labor and an investment of capital in other employments, so diminish the supply as to bring ruin upon all those interests of foreign countries which are dependent on that staple. For every laborer who is diverted from the culture of cotton in the South, perhaps four times as many elsewhere, who have found subsistence in the various employments growing out of its use, will be forced also to change their occupation.

While the war which is waged to take from us the right of self-government can never attain that end, it remains to be seen how far it may work a revolution in the industrial system of the world, which may carry suffering to other lands as well as to our own. In the meantime we shall continue this struggle in humble dependence upon Providence, from whose searching scrutiny we cannot conceal the secrets of our hearts, and to whose rule we confidently submit our destinies. For the rest we shall depend upon ourselves. Liberty is always won where there exists the unconquerable will to be free, and we have reason to know the strength that is given by a conscious sense not only of the magnitude but of the righteousness of our cause.

JEFF'N DAVIS.

EXECUTIVE DEPARTMENT,
November 18, 1861.

GENTLEMEN OF THE CONVENTION:

On the 17th day of June last I transmitted to you a communication, accompanied by sundry documents, intended to show what Virginia had done in the way of preparation, and also what she had done in aiding the successful prosecution of the war in which we are now engaged. In this supplement to that communication I propose to continue the history and to bring down her action to the present time. This course is rendered necessary in consequence of the fact that evil-disposed persons in our midst, claiming to be Virginians by birth, have misrepresented facts and distorted truth with a view of injuring the public authorities in popular estimation and disparaging the efforts made by the Commonwealth to advance the common cause. The authorities are content with a reference to the record, and by that they are willing to allow Virginia to be judged, and her claims to prompt, patriotic, and efficient action to be decided. The paper herewith transmitted from the ordnance department of the State, under the energetic and intelligent administration of Colonel Dimmock, will show the issues of arms, equipments, and munitions of war since the 14th day of June last to the present time. This report completes that branch of the history of the operations of the State, and to it any Virginian can refer with the proudest satisfaction. The amount expended by the State for war purposes since the secession of Virginia exceeds $6,000,000. Every demand against her has been promptly considered and disposed of by the auditing board, and it is a source of infinite satisfaction to me to know that every demand has been paid on presentation at the treasury. The auditing board are especially deserving of the thanks of the convention for the zeal, industry, and faithfulness with which their onerous and important duties have been discharged.

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An ordinance of the convention, passed April the 17th, 1861, instructed the Executive to "invite all efficient and worthy Virginians and residents of Virginia in the Army and Navy of the United States therefrom to enter the service of Virginia, assigning to them such rank as will not reverse the relative rank held by them in the U. S. service, and will at least be equivalent thereto." And by an ordinance passed April the 30th, 1861, you extended the invitation to "officers in the revenue service and coast-survey service of the United

States." In accordance with the instructions contained in those ordinances invitations were extended by me to the several classes of officers therein referred to, and many have presented themselves, have been accepted, and assigned to positions in the Virginia service. When the convention was agreed upon between the State and the Confederate Government no provision was made for these officers, and the consequence is that some officers of each of these classes hold no commissions in the Confederate service. They are, of course, receiving their pay regularly from the State treasury. As your ordinances have pledged the faith of Virginia to provide for these officers—a pledge given under the most solemn circumstances—I feel persuaded that it will be redeemed. I bring the matter to your attention for such action as in your wisdom may be deemed proper.

It is important that some action shall be taken at the earliest moment to put down the growing evil of extortion almost universally prevalent throughout the State. I desire that all branches of business shall be fairly and justly remunerative; that the farmer, the merchant, the mechanic shall receive good profits on whatever they may have to sell. The question is no longer one of fair profit, but it has become a question of how much can be extorted for a necessary article from the people. All things necessary for the comfort and support of the volunteers, who are exposing themselves in the public service and risking their lives and health in defense of our honor and independence, have been run up to an almost incredible price. All things necessary for the comfort and support of their families are run up in the same way. Unless something shall be done by you speedily to strangle this evil of extortion, a vast deal of suffering will be entailed upon the country. When the Legislature assembles much of the mischief will have been done, and hence my appeal to the convention to interfere. The volunteer who receives only $11 per month for his services cannot afford to supply his family with salt at from $20 to $25 per sack, and shoes, clothing, &c., in like proportions. Men who are neither contributing physical nor pecuniary aid to the prosecution of the war should not be allowed to reap exorbitant profits. I suggest, therefore, with great respect, that this subject should claim early consideration.

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The terms of service of most of our volunteers will expire in the months of April, May, and June next, and I call your attention to the fact, that some action on your part may be taken to supply their places. The war must be fought out, and to do so successfully we must keep up our Army and provide for its continuance in the field until our independence is fully recognized by our old associates under the Federal Government.*

Respectfully,

JOHN LETCHER.

[Inclosure.]

Of the articles enumerated in Statement A there were issued from the 14th of June, 1861, to 1st of November, 1861, the following:

Flint muskets	9,905
Percussion muskets	4,514
Bayonets	14,682
Hall rifles	620
Flint-lock rifles	74

* Detailed statements omitted, a recapitulation being given in the inclosure following.

Percussion rifles	56
Musketoons	7
Cavalry sabers	871
Cavalry saber belts	876
Artillery sabers	32
Artillery saber belts	22
Traveling forges, with implements	3
Traveling forge, without implements	1
Battery wagons, with implements	2
Battery wagon, without implements	1
8-inch mortar, with bed and equipments	1
10-inch mortar, with bed and equipments	1
Mortar shells	61
Sets of artillery harness (four horses to a set)	77
Sets wagon harness (four horses to a set)	52
Pounds of powder	97,450
Iron 6-pounder cannon, mounted	48
Iron 6-pounder cannon, not mounted	18
Iron 12-pounder cannon, not mounted	6
Iron 12-pounder cannon, mounted	12
Iron 4-pounder rifle cannon, mounted	20
Iron 4-pounder rifle cannon, not mounted	9
Iron 6-pounder Parrott rifle, mounted	1
Iron 24-pounder cannon, not mounted	4
Iron 12-pounder howitzer, mounted	1
Iron 24-pounder howitzers, mounted	15
Brass 12-pounder howitzers, mounted	3
Brass 6-pounder cannon, mounted	5
Brass 12-pounder rifle cannon, mounted	1
Brass 12-pounder smooth-bore cannon, mounted	4
6-pounder gun carriages, without guns	4
Caissons	82

A proportionate amount of various other articles enumerated in Statement A were issued in the same period. In addition to issues as per Statement A and the issues from the Virginia Military Institute as per Statement B, this department turned over to the Confederate authorities on the 14th of June, 1861, a laboratory, with machines, fixtures, and hands, capable of at once turning out 75,000 rounds of cartridges daily.

[NOVEMBER 18, 1861.—For Governor Harris to Secretary of War, in relation to the numerical designation of Tennessee organizations, see Series I, Vol. LII, Part II, p. 210.

Proceedings of the convention held at Russellville November 18, 19, and 20, 1861.

Pursuant to a call issued by the Southern conference, held in Russellville on the 29th, 30th, and 31st days of October, 1861, the people of Kentucky assembled in convention at Russellville on Monday, November 18, 1861, to take into consideration the unfortunate condition of the State, and devise, if possible, some means of preserving the independence of the Commonwealth and their liberties. The convention assembled in ——— College at 10 a. m. and was called to order by the Hon. H. C. Burnett, of Trigg County, after which a permanent organization was had by the unanimous election of the following officers: President, Henry C. Burnett, of Trigg County; secretary, R. McKee, of Louisville; assistant secretaries, T. L. Burnett, T. S. Bryan; doorkeeper, W. M. Clark, of Logan County; chaplain, Rev. Mr. Thomas, of Logan County.

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[NOVEMBER 20, 1861.]

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The select committee reported through their chairman the following:

Whereas, the Federal Constitution, which created the Government of the United States, was declared by the framers thereof to be the supreme law of the land, and was intended to limit and did expressly limit the powers of said Government to certain general specified purposes, and did expressly reserve to the States and people all other powers whatever, and the President and Congress have treated this supreme law of the Union with contempt and usurped to themselves the power to interfere with the rights and liberties of the States and the people against the expressed provisions of the Constitution, and have thus substituted for the highest forms of national liberty and constitutional government a central despotism founded upon the ignorant prejudices of the masses of Northern society, and instead of giving protection with the Constitution to the people of fifteen States of this Union have turned loose upon them the unrestrained and raging passions of mobs and fanatics, and because we now seek to hold our liberties, our property, our homes, and our families under the protection of the reserved powers of the States, have blockaded our ports, invaded our soil, and waged war upon our people for the purpose of subjugating us to their will; and

Whereas, our honor and our duty to posterity demand that we shall not relinquish our own liberty and shall not abandon the right of our descendants and the world to the inestimable blessings of constitutional government: Therefore,

Be it ordained, That we do hereby forever sever our connection with the Government of the United States, and in the name of the people we do hereby declare Kentucky to be a free and independent State, clothed with all power to fix her own destiny and to secure her own rights and liberties.

And whereas, the majority of the Legislature of Kentucky have violated their most solemn pledges made before the election, and deceived and betrayed the people; have abandoned the position of neutrality assumed by themselves and the people, and invited into the State the organized armies of Lincoln; have abdicated the Government in favor of the military despotism which they have placed around themselves, but cannot control, and have abandoned the duty of shielding the citizen with their protection; have thrown upon our people and the State the horrors and ravages of war, instead of attempting to preserve the peace, and have voted men and money for the war waged by the North for the destruction of our constitutional rights; have violated the expressed words of the constitution by borrowing five millions of money for the support of the war without a vote of the people; have permitted the arrest and imprisonment of our citizens, and transferred the constitutional prerogatives of the Executive to a military commission of partisans; have seen the writ of habeas corpus suspended without an effort for its preservation, and permitted our people to be driven in exile from their homes; have subjected our property to confiscation and our persons to confinement in the penitentiary as felons, because we may choose to take part in a cause for civil liberty and constitutional government against a sectional majority waging war against the people and institutions of fifteen independent States of the old Federal Union, and have done all these things deliberately against the warnings and vetoes of the Governor and the solemn remonstrances of the minority in the Senate and House of Representatives: Therefore,

Be it further ordained, That the unconstitutional edicts of a factious majority of a Legislature thus false to their pledges, their honor, and their interests are not law, and that such government is unworthy of the support of a brave and free people, and that we do therefore declare that the people are thereby absolved from all allegiance to said government, and that they have a right to establish any government which to them may seem best adapted to the preservation of their rights and liberties.

CONSTITUTION.

SECTION 1. The supreme executive and legislative power of the provisional government of the Commonwealth hereby established shall be vested in a Governor and ten Councilmen, one from each of the present Congressional districts, a majority of whom shall constitute a quorum to transact business; the Governor and councilmen to be

elected by the members of this convention in such manner as may be prescribed by this convention.

SEC. 2. The Governor and Council are hereby invested with full power to pass all laws necessary to effect the objects contemplated by the formation of this government. They shall have full control of the army and navy of this Commonwealth and the militia thereof.

SEC. 3. No law shall be passed, or act done, or appointment made, either civil or military, by the provisional government except with the concurrence of a majority of the Council and approval of the Governor, except as herein specially provided.

SEC. 4. In case of a vacancy in the gubernatorial office occasioned by the death, resignation, or any other cause, the Council shall have power to elect a Governor as his successor, who shall not, however, be a member of their body.

SEC. 5. The Council hereby established shall consist of one person selected from each Congressional district in the State, to be chosen by this convention, who shall have power to fill all vacancies from any cause from the district in which such vacancy shall occur.

SEC. 6. The Council shall have power to pass any acts which they may deem essential to the preservation of our liberty and the protection of our rights, and such acts, when approved by the Governor, shall become law, and as such shall be sustained by the courts and other departments of the government.

SEC. 7. The Governor shall nominate and, by and with the advice and consent of the Council, shall appoint all judicial and executive and other officers necessary for the enforcement of law and the protection of society under the extraordinary circumstances now existing, who shall continue in office during the pleasure of the Governor and Council, or until the establishment of a permanent government.

SEC. 8. The Governor shall have power, by and with the consent and advice of the Council, to conclude a treaty with the Confederate States of America, by which the State of Kentucky may be admitted as one of said Confederate States upon an equal footing in all respects with the other States of said Confederacy.

SEC. 9. That three commissioners shall be appointed by this convention to the Government of the Confederate States of America, with power to negotiate and treat with said Confederate States for the earliest practicable admission of Kentucky into the Government of said Confederate States of America, who shall report the result of their mission to the Governor and Council of this provisional government for such future action as may be deemed advisable; and should less than the full number attend, such as may attend may conduct such negotiation.

SEC. 10. So soon as an election can be held free from the influence of the armies of the United States, the provisional government shall provide for the assembling of a convention to adopt such measures as may be necessary and expedient for the restoration of a permanent government; said convention shall consist of 100 delegates, one from each Representative district in the State, except the counties of Mason and Kenton, each of which shall be entitled to two delegates.

SEC. 11. An auditor and treasurer shall be appointed by the provisional government, whose duties shall be prescribed by law, and who shall give bond with sufficient security for the faithful discharge of the duties of the respective offices, to be approved by the Governor and Council.

SEC. 12. The following oath shall be taken by the Governor, members of the Council, judges, and all other officers, civil and military, who may be commissioned and appointed by this provisional government:

I, ——— ———, do solemnly swear (or affirm) in the presence of Almighty God, and upon my honor, that I will observe and obey all laws passed by the provisional government of Kentucky: So help me God.

SEC. 13. The Governor shall receive as his salary $2,000 per annum, and the Councilmen $5 per diem while in session, and the salary of the other officers shall be fixed by law.

SEC. 14. The constitution and laws of Kentucky not inconsistent with the acts of this convention and the establishment of this government, and the laws which may be enacted by the Governor and Council, shall be the laws of this State.

SEC. 15. That whenever the Governor and Council shall have concluded a treaty with the Confederate States of America for the admission of this State into the Confederate Government, that the Governor and Council shall elect two Senators and provide by law for the election of members of the House of Representatives in Congress.

SEC. 16. The provisional government hereby established shall be located at Bowling Green, Ky., but the Governor and Council shall have power to meet at any other place that they may consider appropriate.

Done at Russellville, in the State of Kentucky, this 20th day of November, A. D. 1861.

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H. C. BURNETT,
President of the Convention.
R. McKEE,
Secretary of the Convention.

[NOVEMBER 19, 1861.—For Milton to Davis, in relation to military affairs in Florida, see Series I, Vol. VI, p. 325.]

[NOVEMBER 19, 1861.—For Bragg to Cooper, in relation to reorganization of twelve months' men in the Army of Pensacola, see Series I, Vol. VI, p. 768.]

[NOVEMBER 19, 1861.—For Benjamin to A. S. Johnston, authorizing the latter to call out all the armed men from Mississippi, Northern Alabama, Kentucky, or Tennessee, see Series I, Vol. IV, p. 565.]

BOWLING GREEN, KY., *November 21, 1861.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

SIR: The convention which assembled at Russellville on the 18th of this month, composed of delegates from sixty-eight counties, and which organized a provisional government for Kentucky, appointed the Hon. Henry C. Burnett, the Hon. William Preston, and the Hon. William E. Simms commissioners to treat with the Government of the

Confederate States of America for the recognition of this government and the admission of this State into said Confederacy upon an equal footing with the other States composing it.* The action of the people of this State in thus organizing a provisional government for the protection of their rights of person and property was based, as a necessity, upon the ultimate right of revolution possessed by all mankind against perfidious and despotic governments. A faction which may be called the war party of Kentucky, composed of most of the members of the last Congress and a minority of the Legislature, after surrounding themselves with an army of 8,000 Lincoln troops, forced a majority of their own body into caucus, and there concocted, and afterward enacted in the Legislature, against the vetoes of the Governor and the remonstrances of the minority of the Senate and House of Representatives, a series of oppressive and despotic acts, which have left us no alternative except abject submission or manly resistance. The constitutional right of secession by the State with organized government from the ruins of the old Union was not possible, because the power of adopting such manly and philosophic action was denied us by the enslaved members of the Legislature, who not only submitted themselves to the despotism of the army, but betrayed their political opponents, who relied upon their honor, and their constituents and the great body of the people of Kentucky, who relied upon their pledges of neutrality. Secession being thus impossible, we were compelled to plant ourselves on a doctrine universally recognized by all nations—that allegiance is due alone to such governments as protect society, and upon that right, which God himself has given to mankind, and which is inalienable, the right to destroy any government whose existence is incompatible with the interests and liberty of society. The foundation, therefore, upon which the provisional government rests is a right of revolution, instituted by the people for the preservation of the liberty, the interests, and the honor of a vast majority of the citizens of Kentucky.

Our justification before the world for a resort to this ultimate right of revolution depends upon the facts constituting the necessity of its exercise. These facts will be placed before you by our commissioners, and to these facts we fearlessly invite your attention and that of the great Government over which you preside. We considered our constitutional liberty and our personal honor worth more than life or property, and we have confidently staked them both upon the issue. It is believed that the Confederate States of America will not refuse admission to a State whose sympathies and whose interests are identical with their own, and whose geographical position is so important to the Confederacy, merely because we have been unfortunately deprived of that right of constitutional secession which was so fortunately possessed and so legitimately exercised by themselves. There is no incompatibility between the right of secession by a State and the ultimate right of revolution by the people. The one is a civil right, founded upon the Constitution; the other is a natural right, resting upon the law of God. Mississippi legitimately exercised the right of secession for the preservation of her constitutional liberty. But if the State of Mississippi had corruptly refused to discharge her duty, and treacherously made herself a part of the Northern despotism which threatened the liberties of her people, would any philosophy deny to her citizens the right of revolution, or any theory refuse her protection and admission within the Confederate States?

* See November 20, p. 741.

It is indeed philosophic and true that a State should exercise the right of peaceful secession for the preservation of the rights and institutions of its people, but it is neither philosophic nor true that because a people are deprived by a perfidious State government of the power of secession they, therefore, have no right to maintain their liberty and their honor by revolution. The admiration of mankind may be excited by a State firmly maintaining the rights of its people, but the manly determination of a people to vindicate their own liberties at the hazard of life and fortune against the despotic Government of the North, and against the power and resources of a base and perfidious State government, is not less noble and praiseworthy.

The provisional government of Kentucky is now the index of an almost universal sentiment in the State in favor of a permanent connection with the Confederate States and the history of the last year, attentively studied, will demonstrate the truth of this assertion, even to a stranger. Since the election of Abraham Lincoln—with the exception of a few thousand emancipators and abolitionists—the State of Kentucky has been divided into only two parties, the States Right party and the Union party. It will be unnecessary to do more than assert that the States Right party were all and at all times in favor of a connection with the South, for all candid men will admit it. The first position assumed by the Union party after the Presidential election embraced these ideas: First, the preservation of the Union; secondly, the protection of Southern institutions by amendments of the Constitution; third, opposition to coercion of the South by arms, and fourth, a continued connection and common destiny with the South. At this period the Union party would not have stood one day if the leaders had dared to avow themselves in favor of Northern sentiment or an ultimate connection with the North in the event of a permanent dissolution of the Union. After the failure of the Peace Conference, in consequence of the refusal of the Abolitionists to vote amendments to the Constitution for the protection of Southern property, the Union leaders still avowed themselves opposed to the coercion of the South; but they now advanced the idea of neutrality, and peace for Kentucky during the war, and declared themselves in favor of an ultimate connection of the State with the South by a vote of the people. Thus, after the refusal of their Abolition allies to give constitutional protection to Southern property, we have again a confession of the "Union leaders" embodied in their creed, that their party was in favor of an ultimate connection of the State with the South. This was the party creed at the last election in Kentucky, when members of Congress and members of the State Legislature were chosen.

The final change in the Union party was now near at hand. The President and his councilors refused to respect the neutrality of Kentucky, and determined to organize a force in Kentucky to hold the State and to pass over its territory to strike a blow at the heart of the Southern Confederacy. Congress met, the Union members threw off disguise, and voted supplies of men and money for the war. The indignation of the whole State was excited. The people were aroused, and their denunciations of the war tax and enlistments for the North were violent and extreme. The members of Congress were now secretly engaged in introducing and organizing an army. The leaders of the Union party now clearly perceived that they must shield themselves by an army from the indignation of the people. This idea was soon impressed upon those members of the Legislature who were really in favor of an honest neutrality of Kentucky. They met in caucus and soon determined to protect themselves with the army; overawe

their own constituents, and to pursue without mercy their political opponents. This is a simple and true history of the Union party in Kentucky; and under all its phases, except the last, it avowed its preference for the South; and in its last the leaders suppressed the resentment of their own party by the sword. This recital is made for one purpose alone, and that is to show that the whole body of the people of Kentucky have in the last year repeatedly avowed themselves in favor of an intimate peaceful connection of the State by a vote of the people with the Confederate States. The Union leaders avowed the same intention until they had organized an army sufficient to protect themselves against the rage of the people. The leaders of the States Right party in Kentucky always knew that the people were with them on this question, and they hoped to the last that they would be able to expose the designs of the war faction and thus carry with them the State government. The hope of being able to act with the forms of law made them risk everything till too late. No one could have anticipated the unparalleled audacity and treachery of the leaders of the Union party when they violated their own position of neutrality and deliberately determined to plunge the State in war. Up to the last moment of safety we attempted to save the State by State action; and we did this because we knew the people were almost unanimously with us as to the ultimate destiny of the State. This fact is also admitted by General Thomas in his report as to the condition of Kentucky.*

How, then, can Your Excellency refuse admission to our State, because the State government has itself dared to betray the people and left them no hope except in their own manly determination to maintain with arms their own liberties? Your own theory of Government was dear to us. We were habitually accustomed to look to the State and State action for redress of Federal wrongs. We wished to secede from the old Federal Union with all the rights of Kentuckians guarded by all the forms of State government. We pursued this idea to the last. We adhered to this determination until the theory itself was lost in the treachery of the Legislature and until the State government had abandoned its people and indissolubly united itself with the public enemy.

For nearly two years no election can take place in Kentucky for members of the Legislature. Should we have submitted during all this period to anarchy or to laws hostile to our people? Even then the sword would still have to be drawn to solve the question. When hope had left us, and when, perhaps, the independence and boundaries of the Confederate States were acknowledged and established, and the struggle was over, then to inaugurate a hopeless civil war would have been criminal, and we would have been by our own honor [forced] to go in exile from our own native State. No theory, however sound, can demand this sacrifice. We come to you now, when it is honorable to do so, to offer you our assistance in a common cause while peril surrounds us both and to share with you a common destiny. It is not possible in an age of honor that the strong will reject the weak because the people have risen up to vindicate that cause which was betrayed by the State. We therefore hope that you will feel disposed to throw around this provisional government, in its infancy, the protection of the Confederate States of America. Let the preservation of constitutional government be alike the destiny and glory of your great Confederacy. As a people long connected with you we ask admission to your Government. In such a struggle, however, we will

*See Series I, Vol. IV, p. 313.

not in any event despair; but believing that God himself has so organized human society and interests as to implant forever in truth an irresistible power, even if you abandon us we will fearlessly struggle on to the consummation of our own destiny.

With assurances of my high regard and esteem, I am, sir, your obedient servant,

GEORGE W. JOHNSON.

[NOVEMBER 21, 1861.—For Bragg's circular with reference to the reorganization of his old regiments for the war, see Series I, Vol. VI, p. 770.]

ADJUTANT-GENERAL'S OFFICE,
New Orleans, November 22, 1861.

His Excellency T. O. MOORE,
Governor and Commander-in-Chief of Louisiana Militia:

SIR: I respectfully transmit my annual report of the condition of the militia of this State: The two regiments of regulars of the State army, organized by virtue of the ordinance, No. 12, of the convention of the 5th of February, 1861, were transferred to the Provisional Army of the Confederate States, in conformity to the ordinance of the 13th of March, 1861. I have the honor to annex a list of the officers at the time of the transfer, and the promotions and appointments which have taken place since the transfer. (See Document A.*) These regiments are in active service of the Confederated States, the artillery stationed in the various forts of this State and the infantry at Pensacola. The appointment of Col. A. H. Gladden to a brigadier-general's commission, Confederate Army, has placed the regiment under the command of Col. Dan. W. Adams. At the time of the transfer the regiment of infantry was incomplete, yet progressing rapidly in recruiting men. This regiment was suddenly called to Pensacola. To complete these companies it became necessary to call upon volunteers. Five companies tendered their services and were accepted—the Orleans Cadets, of New Orleans, Capt. C. D. Dreux; the Louisiana Guards, of New Orleans, Capt. S. M. Todd; the Crescent Rifles, of New Orleans, Capt. S. W. Fisk; the Grivot Guards, of La Fourche, Capt. N. H. Rightor; the Shreveport Grays, of Caddo, Capt. J. H. Beard. They were with the regiment stationed at Warrington up to June last, when the regiment having received its complement of regular companies, these companies were relieved from duty at Warrington. They formed themselves into a special battalion, under the command of Lieut. Col. Charles D. Dreux and Maj. N. H. Rightor, and were ordered to Yorktown, Va. Lieutenant-Colonel Dreux was killed whilst in the performance of his duties and the battalion is now under the command of Lieut. Col. N. H. Rightor.

On the 18th of April, 1861, a requisition from the Secretary of War for 3,000 infantry for twelve months' service was received. The following order was issued:

PROCLAMATION BY THE GOVERNOR.

HEADQUARTERS LOUISIANA MILITIA, ADJUTANT-GENERAL'S OFFICE,
New Orleans, April 17, 1861.

The President of the Confederate States having made a requisition upon the Governor of Louisiana for 3,000 infantry to serve for twelve months unless sooner

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* Omitted.

discharged, I, Thomas O. Moore, Governor of the State of Louisiana, do hereby proclaim that volunteers will be received in accordance with the requisition of the President of the Confederate States, each company to be composed of not less than sixty-four privates, four sergeants, four corporals, one captain, one first and one second lieutenant. Captains of companies volunteering for the service will address Adjt. Gen. M. Grivot, at New Orleans, La., and hold themselves in readiness at a moment's notice, subject to the orders of the Governor.

By order of Thomas O. Moore, Governor and commander-in-chief:

M. GRIVOT,
Adjutant and Inspector General of Louisiana.

As soon as this proclamation made its appearance in all parts of the State companies were organizing and tendering their services; in less than five days the number of troops offering exceeded 5,000. This requisition did not state whether they were to be received by companies, battalions, or regiments. A subsequent requisition for 5,000 additional troops, received on the 21st of April, 1861, gave the authority to organize them into battalions and regiments. Under this requisition the following proclamation was issued:

PROCLAMATION BY THE GOVERNOR.

HEADQUARTERS LOUISIANA MILITIA, ADJUTANT-GENERAL'S OFFICE,
New Orleans, April 21, 1861.

The President of the Confederate States having made a requisition upon the Governor of Louisiana for 5,000 infantry to serve for twelve months unless sooner discharged (this force being in addition to the 3,000 already called for), I, Thomas O. Moore, Governor of the State of Louisiana, do hereby proclaim that volunteers will be received in accordance with the requisition of the President of the Confederate States, each company to be composed of not less than sixty-four privates, four sergeants, four corporals, one captain, one first and two second lieutenants. Volunteers will be received by companies, battalions, or regiments. Those offering will address Adjt. Gen. M. Grivot, at New Orleans, La., stating the force of their command, will remain in the parish in which they form, perfect themselves in the drill, &c., and hold themselves in readiness at a moment's notice, subject to the orders of the Governor. The Governor appeals to the patriotic citizens of this State to respond to his proclamation for the protection of the rights of the South.

By order of Thomas O. Moore, Governor and commander-in-chief:

M. GRIVOT,
Adjutant and Inspector General of Louisiana.

On the 23d of April the following order was issued:

ORDER No. 105. HDQRS. LOUISIANA MILITIA, ADJUTANT-GENERAL'S OFFICE,
New Orleans, April 23, 1861.

Four regiments of infantry will be received and mustered into the service of the Confederate Army under the requisitions by companies as soon as presented. Companies or battalions will rendezvous at the city of New Orleans without delay and report to the adjutant-general.

By order of Thomas O. Moore, Governor and commander-in-chief:

M. GRIVOT,
Adjutant and Inspector General of Louisiana.

The troops were arriving rapidly. It was found expedient to establish a camp in the neighborhood of the city, and by Order No. 188, issued on the 29th of April, 1861, Camp Walker was established on the Metairie Course under the command of Brig. Gen. E. L. Tracy, First Division, Louisiana Militia, detailed for that purpose. The number of troops increasing, the fear of disease in camps, and owing to the scarcity of water, it was deemed advisable to transfer the camp to Tangipahoa, on the Jackson railroad. This camp was called Camp Moore. The First Regiment Louisiana Volunteers was organized on the 25th of April by the election of Albert G. Blanchard as colonel,

William G. Vincent lieutenant-colonel, and William R. Shivers as major, and transferred to the Confederate States on the 29th of April and ordered to Virginia. Colonel Blanchard has since been appointed brigadier-general in the Confederate Army, and Lieutenant-Colonel Vincent elected colonel of the regiment. The Second Regiment was organized with Lewis G. De Russy as colonel, John Young as lieutenant-colonel, and I. T. Norwood as major, mustered into service on the 11th of May, 1861, and ordered to Virginia. Colonel De Russy having resigned, Capt. William M. Levy was elected to fill the vacancy. The Third Regiment was organized with Louis Hébert as colonel, S. M. Hyams as lieutanant-colonel, and W. F. Tunnard as major; was mustered into service on the 11th of May, and ordered to Arkansas, and from thence to Missouri. It participated in the battle of Oak Hills, performing deeds of valor. The Fourth Regiment organized with R. J. Barrow as colonel, H. W. Allen as lieutenant-colonel, and S. E. Hunter as major. The Fifth Regiment organized with Theodore G. Hunt colonel, Henry Forno lieutenant-colonel, and W. T. Dean major. At this period, while other regiments were in process of organization, the companies having mustered into the State service, to be transferred to the Confederate States for the period of twelve months under the proclamations after the transfer of the Third Regiment, a communication from the War Department was received declining to accept any more regiments unless for the term of the war. To this communication Your Excellency earnestly protested, and urged upon the Secretary of War the necessity of accepting the regiments already organized for the twelve months' service, but with no success. The following order was then issued:

ORDER No. 359. } HDQRS. LOUISIANA MILITIA, ADJUTANT-GENERAL'S OFFICE, *New Orleans, May 15, 1861.*

I. The commander-in-chief has been officially notified by the Secretary of War that no more twelve-months' volunteers will be received from Louisiana into the service of the Confederate States. The Secretary of War has called upon this State for 3,000 volunteers to serve during the war. The commander-in-chief confidently expects that among the twelve-months' volunteers mustered into the service of the State he will experience no difficulty in promptly supplying the new requisition. The following rules will be observed among the troops now in the service of the State:

II. Full regiments of volunteers for the war will be received in preference to battalions, and battalions in preference to companies.

III. If more than one full regiment volunteers for the war, the regiments so volunteering will be transferred to the Confederate States, according to their respective numerical designations.

IV. If full regiments do not present themselves for the war, then battalions which may be formed by the commissioned officers of five companies will be received, and two battalions will be joined by the commander-in-chief to form a regiment and an election for field officers will be ordered.

V. If neither regiments nor battalions volunteer, then companies will be received and afterward formed into battalions or regiments, as the case may be, and an election for field officers will be ordered.

VI. All companies or parts of companies refusing to volunteer for the war will immediately disband, and deliver up their arms and equipments to their captains, who will be held responsible for them.

By order of Thomas O. Moore, Governor and commander-in-chief:

M. GRIVOT,
Adjutant and Inspector General.

This act of the Secretary of War created considerable excitement, both at the camp and in the country. The men who had volunteered, sacrificing their all, believed they were being trifled with, and had the effect of disorganizing the whole system for a while. After some difficulty the Fourth Regiment was accepted for the twelve months'

service and was transferred on the 25th of May, 1861. All the influence that could be brought to bear upon the War Department was exercised by Your Excellency to obtain the acceptance of the Fifth Regiment, and all the corps at Camp Moore, for the twelve months' service, but with no success. Still entertaining hopes that the Secretary of War would reflect upon the injury about to be inflicted upon the troops by not accepting their services except for the war term, would reverse and order them to be received, as originally mustered in, for twelve months, [you] granted a delay by Order No. 440, in which the companies were to decide whether they would volunteer for the war or be disbanded. This delay was extended to the 25th of May. This delay having expired, and the companies still refusing to muster in for the term of the war, were disbanded. On the 26th of May (Sunday) Your Excellency received a dispatch from the War Department announcing the fact that the regiments and companies would be accepted for the twelve months' term. It was received at a late hour; the morning train of the Jackson railroad had left. Upon application to Capt. J. S. Williams, superintendent of the road, he kindly offered his services to convey by an express train to Camp Moore the orders countermanding the disbanding of the troops; but it was too late—the mischief had been done. A large number of companies had been disbanded and were on their way home. Shortly after it was ascertained that twelve-months' troops would be received, both in the country and city, the organization recommenced with redoubled vigor.

The Fifth Regiment, which had received a check, completed its organization and was mustered into service on the 25th of May, 1861, and was immediately ordered to Virginia. The Sixth Regiment, organized with I. G. Seymour as colonel, Louis Lay as lieutenant-colonel, and S. L. James as major, was mustered into service on the 4th of June, 1861, and ordered to Virginia. The Seventh Regiment, organized with Harry T. Hays as colonel, Charles De Choiseul as lieutenant-colonel, and D. B. Penn, major, was mustered into service on the 5th of June, 1861, and ordered to Virginia. The Eighth Regiment, organized with Henry B. Kelly as colonel, F. T. Nicholls as lieutenant-colonel, and J. B. Prados as major, was mustered into service on the 15th of June. The Sixth, Seventh, and Eighth Regiments were engaged in the memorable battles of Bull Run on the 18th and of Manassas on the 21st of July, 1861, and rendered important service. The Ninth Regiment, organized with Richard Taylor as colonel, E. G. Randolph as lieutenant-colonel, and N. J. Walker, major, was mustered into service on the 6th of July, 1861, and ordered to Virginia. The Tenth Regiment, organized with Mandeville Marigny as colonel, J. C. Denis as lieutenant-colonel, and Felix Dumonteil as major, was mustered into service on the 22d of July, 1861, and ordered to Virginia. The Eleventh Regiment, organized with S. F. Marks as colonel, Robert H. Barrow as lieutenant-colonel, and E. G. W. Butler as major, was mustered into service on the 18th of August, 1861, and ordered to Columbus, Ky. This regiment was in the battle of Belmont, and was mainly instrumental in gaining the victory. Major Butler fell while gallantly leading his men. The Twelfth Regiment, organized with Thomas M. Scott as colonel, Wade H. Hough as lieutenant-colonel, and John C. Knott as major, was mustered into service on the 13th of August, 1861, and ordered to Columbus, Ky.

The Thirteenth Regiment organized with R. L. Gibson as colonel, Aristides Gerard as lieutenant-colonel, and A. P. Avegno as major;

transferred to the Confederate service on the 9th of September, 1861; stationed for a long time at the fortifications below the city, and on the 22d of November was ordered to Columbus. The Fourteenth and Fifteenth Regiments were so designated by the War Department, and are composed of the troops known as the Polish Brigade. They were not mustered into service of the State and transferred to the Confederate States, and consequently I have no record of their names, of the companies or officers, or number of men composing it. The Sixteenth Regiment was organized with Preston Pond, jr., as colonel, Enoch Mason as lieutenant-colonel, and Daniel Gober as major; was mustered into Confederate service on the 29th of September, 1861. The Seventeenth Regiment organized with S. S. Heard as colonel, Charles Jones as lieutenant-colonel, and R. B. Jones as major; mustered into the Confederate service on the 29th of September, 1861, and is now at Camp Moore. The Eighteenth Regiment, organized with Alfred Mouton as colonel, Alfred Roman as lieutenant-colonel, and Louis Bush as major, was mustered into the Confederate service on the 5th of October, 1861, and is stationed above Carrollton. The Nineteenth Regiment organized with B. L. Hodge as colonel, J. M. Hollingsworth as lieutenant-colonel, and ——— major, and is stationed at Camp Moore. Five companies in May last organized as a special battalion, with C. R. Wheat as major, was accepted and mustered into service on the 6th of June, 1861, and ordered to Virginia. This battalion was in the battle of Manassas, and is reported as having performed deeds of valor. The foregoing regiments and battalions have been fully armed and equipped.

I annex a list of the regiments and battalions mustered into the State service and transferred to the Confederacy, with the names of the companies, the parishes from which they come, the names of the officers, and the number of men of each company, amounting to a total of 19,152 men. (See Document B.*) The President having the appointment of surgeons and quartermasters, the names of these do not figure therein. The names of some officers of companies do not appear on the list, owing to the fact that the changes being made by promotion or otherwise the officers to fill the vacancies were elected after the transfer to the Confederate States. On the 19th of April, 1861, the Secretary of War made a requisition for the First Company Louisiana Foot Rifles, under command of Capt. Henry St. Paul, which had been accepted for service. By Order No. 95, of that date, this company was transferred, but as no rolls of the officers and men composing the company were left with me, I am unable to state its force. Several other companies volunteered their services to the War Department direct and were accepted. I have no record of their officers and number of men. The parishes bordering on the Gulf coast were unprotected, and the enemy's fleet had been committing depredations and threatening attacks. Major-General Twiggs, commanding the department, deemed it necessary to call for troops to be stationed at the forts and at various points, so as to guard and protect the coast. Eighteen companies have been transferred for that purpose and are now in the active service of the Confederacy. Companies have been mustered into the service for service within the limits of the State. This necessitated the establishment of a camp of instruction in the vicinity of New Orleans. The location was selected near Carrollton, on the Carrollton railroad, and was called Camp Lewis.

* Omitted in view of the recapitulation following (p. 752).

It is under the command of Brig. Gen. C. A. Labuzan. I annex a list of the force stationed there, marked Document C.*

A recapitulation of the forces as above stated shows:

Regiment of artillery (regulars)	740
Regiment of infantry (regulars)	1,033
1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 16th, 17th, 18th, and 19th Regiments Louisiana Volunteers	14,949
Wheat's battalion	415
Dreux's battalion	480
Fourteen companies transferred to the Confederate service for State service	1,231
Four companies of Orleans Artillery	304
Number of troops in service of the Confederate States	19,152
Thirteen companies for service within the State, at Camp Lewis	1,050
Total number of troops thus far organized by the State	20,202

(I can only approximate the number of the troops volunteering independently into the Confederate service.)

One company Orleans Chasseurs	95
Sulakowski's regiment (14th Regiment)	850
Lieutenant-Colonel Bradford's regiment (15th Regiment)	450
Pointe Coupée Light Artillery	90
Washington Artillery	320
Crescent Blues	80
Donaldsonville Artillery	85
Marion Infantry	129
Watson Artillery	100
Carroll Guards	78
Jackson Regiment	450
Zouaves	650
Total	3,375
Which would make a force in the field from the State of Louisiana	23,577

It became necessary in order to prevent trafficking between the enemy's fleet and a large number of small boats and luggers trading in the various bays, bayous, lakes, &c., in the parishes bordering on the sea-shore, to issue an order to arrest all offenders. To this effect on the 12th of June Capt. A. O. Murphy was appointed and placed in charge of the schooner Antonio, and a sufficient crew, with full authority to arrest all persons dealing with the enemy, or persons of a suspicious character, found within the limits of Barrell Keys and Texas, and who could not prove themselves loyal to the government. A similar authority was given to Capt. R. G. Darden, of Thibodeaux, who, in conjunction with Captain Murphy, visited all the bayous, bays, and lakes, and has made some important arrests. Great benefit has been derived by the State from the zeal and activity with which these gentlemen performed the arduous duties imposed upon them, Captain Murphy being alone in the service at present.

On the 14th of January, 1861, an order issued for the organization of the militia throughout the State. Considerable opposition was made thereto. Owing to the impracticability of the law of 1853, officers met with serious difficulties in compelling attendance at drills and obedience to their orders, the fine imposed, or intended to be imposed, upon delinquents being of so small an amount, and the mode pointed out for its collection being unconstitutional, that the organization was turned into a farce. In many parishes, however, no objections were raised, and as far as practicable the militia was organized. The times requiring that something should be done for the protection of the

* Omitted in view of the recapitulation following.

State, and that a prompt and thorough organization should be had, the following order was issued:

ORDER No. 1147. } HDQRS. LOUISIANA MILITIA, ADJUTANT-GENERAL'S OFFICE, *New Orleans, September 28. 1861.*

1. Major-generals of divisions will, on receipt of this order, proceed immediately to the effective organization of the militia within the limits of their command.

2. In their respective regiments colonels will cause the census of all persons subject to militia duty to be taken by the company officers within the company beats. There will be two lists; on the one will be placed the names and residence of all persons between the ages of eighteen and forty-five subject to militia duty, and on the other, which shall be designated as the "black-list," will be placed the names and residence of all persons between the ages above mentioned subject to said duty who shall in any way attempt to evade the performance thereof, their aiders, abettors, and advisers, or who shall in any manner obstruct the officers in the execution of their functions. Such persons shall be marked and designated as suspicious and enemies to the South.

3. No volunteer companies, unless organized and commissioned by the Governor, shall be recognized. Such organizations shall be allowed five days from the promulgation of this order to apply for commissions. No home guards or companies organized for service only within the limits of a town, city, or parish will be acknowledged, except companies or corps the members whereof are subjects of a foreign prince or government, or composed exclusively of persons over forty-five years.

4. In the regiments of the First Division captains of companies will make, within three days after the receipt of this order, a true and correct return of the census thus made, through the proper channel, to the major-general. In the Second, Third, Fourth, and Fifth Divisions the returns of the census shall be made in a similar manner by captains within ten days after the receipt of the order.

5. Immediately after the returns have been made the colonels of the regiments of the First Division will order daily company drills, after 3 p. m. (Sundays excepted), with full power and authority to the captains or other officer in command of the company to compel obedience to the orders and to enforce strict military discipline. The colonels shall order, at such time and place as they may deem proper, at least once a week, battalion or regimental drills. In the Second, Third, Fourth, and Fifth Divisions colonels will order company drills at least twice a week, giving the captains full power and authority to enforce obedience to the orders and also strict military discipline; and colonels shall order battalion or regimental drills at such time and place within the regimental bounds as they may deem proper, at least three times a month. Should any person refuse to obey any order thus given, or neglect to attend, without good and valid cause, the drills above mentioned, they shall be noted and marked as suspicious, and treated accordingly; and it is the duty of all captains and colonels to report to headquarters without delay the name and residence of the delinquent.

6. At company, battalion, or regimental drills, or for the performance of any duty ordered, or for musters and reviews, companies and corps shall report themselves present, with such arms as they may possess, whether muskets, rifles, or shotguns, until it shall be in the power of the State to furnish other arms.

7. Every officer who shall neglect or refuse to carry out the object of this order, or shall fail to comply promptly with any order given by his superior, who shall fail or refuse to attend drills, musters, parades, and reviews, without good and sufficient cause, shall be immediately placed under arrest and court-martialed.

8. Any person subject to militia duty who shall refuse or neglect to perform such duty, or to attend company, battalion, or regimental drills, musters, or parades, besides being marked as suspicious, shall be subject to the fines imposed by the act of 1853 for each and every offense.

9. In the First Division a permanent general court-martial will be established by the commander-in-chief, with power to convene at least once a week, in the city of New Orleans; and in the Second, Third, Fourth, and Fifth Divisions there shall be a permanent general court-martial, which shall convene at such place as the commander-in-chief may designate, three times a month, for the trial of all officers delinquent.

10. Major-generals and all other officers in command of divisions are strictly charged with the execution of this order, and will enforce it to the fullest extent. They will make a report to the adjutant-general the return of the militia force within their respective commands without delay.

By order of Thomas O. Moore, Governor and commander-in-chief:

M. GRIVOT,
Adjutant and Inspector General Louisiana Militia.

This order has met with success. Officers proceeded with activity to the organization, both in the city and country. Companies daily present themselves for commissions for their officers. It only remains to arrange them in battalions and regiments, which will be done in a very short time. I herewith annex the returns of the militia of the State so far as received. Only a few of the officers have complied with that portion of the order. I hope soon, however, to be able to report to the Legislature a full statement of the militia force. In the First Division the returns show a force of (see Document D*) 30,499; Confederate Guards (see Document F*), 752; making a total of that division of 31,251.

The following parishes have made their returns, to wit:

Parish of Iberville	634
Parish of Natchitoches	1,031
Parish of Livingston	754
Parish of Saint Tammany	442
Parish of Saint Charles	210
Parish of Washington	441
Parish of Carroll	691
Parish of East Baton Rouge	1,200
Parish of East Feliciana	495
	5,898

The militia law should be revised and amended. One more stringent should be adopted. Officers should have full powers to compel obedience to orders and attendance to drills, musters, and reviews. Heavy fines should be imposed in times of peace on delinquents, and if the fine be not paid, then imprisonment for a certain term. These apparently harsh measures would seldom be resorted to, for persons subject to militia duty would obey and conform to the laws if they are made to understand that the law is to be no longer a farce. In times of war, when troops for State service are mustered in, or whenever any portion of the militia is called out by the Governor for the performance of any active duty, they should be subjected to the strict and rigid rules and regulations of war. It is only by strict discipline that any good results can be obtained from troops. Where every man in a company believes he is at liberty to do as he pleases, and there is no law to reach him, he will not be a good soldier, and he deters others from the path of duty. Volunteer corps should be encouraged. They should be formed into battalions or regiments, belonging to some brigade, and not claim to be totally independent of superior officers. No higher privileges should be granted or allowed to one corps over another. The adjutant-general should have authority to administer oaths. This would obviate considerable difficulties to officers applying for commissions. The State arsenal is in need of the necessary tools, &c. I would recommend an appropriation of $300. An appropriation of $2,000 should be made to meet the contingent expenses of the office of the adjutant-general. This office requires a large quantity of books and stationery, and the adjutant-general is compelled to furnish blank reports and returns for the militia throughout the State. Some persons were charged with the taking of the census of the militia in the regimental beats, and have presented a claim for their services. It is for the Legislature to say whether a remuneration should or should not be granted them. The various newspapers of the city and country have for years past published all orders emanating from the various corps,

*Omitted.

and have received no pay. These notices fill up a column or two of the paper, is an expense in the setting up of the type, and I deem it but just the publishers should be remunerated. I therefore cheerfully recommend an appropriation to meet the expenses of publication of these notices.

On the 17th of November, 1861, an order was issued for a review of all the volunteer and regular militia of the First Division, under command of Maj. Gen. John L. Lewis. The troops assembled on Canal street on Saturday, the 23d of November, 1861, were passed in review by Your Excellency, accompanied by Maj. Gen. M. Lovell, commanding Department No. 1, C. S. Army; Brigadier-General Ruggles, C. S. Army, and staffs. This assemblage was the largest and most imposing that had as yet taken place. The troops appeared in full numbers and displayed discipline and a drill which could have been scarcely anticipated from the short period in which they have been drilling. The force out on that occasion is estimated at a very large figure. The complete returns of the various companies have not yet been received, and I cannot give official returns, but will make a supplemental report as soon as received.

Respectfully, your obedient servant,

M. GRIVOT,
Adjutant and Inspector General of Louisiana.

[NOVEMBER 25, 1861.—For message of President Davis, in relation to the admission of Missouri into the Confederacy, see Series I, Vol. LIII, p. 757.]

NOVEMBER 25, 1861.

Hon. HOWELL COBB,
President of the Congress:

I have the honor herewith to transmit a communication* from the Provisional Governor of Kentucky informing me of the appointment of commissioners on the part of that State to treat with the Government of the Confederate States of America for the recognition of said State and its admission into the Confederacy. Also a communication from the president and members of the convention which declared the separation of Kentucky from the United States and adopted the provisional government as therein recited. Two of the three commissioners thus appointed have presented their credentials and submitted a proposition to enter upon negotiations for the admission of the State of Kentucky into the Confederacy. Before entering upon such negotiation I have deemed it proper to lay the case before Congress and ask its advice. The history of this controversy involving the State of Kentucky is so well known to the Congress that it is deemed unnecessary to enter here into a statement of the various stages through which it has passed. It may, however, be proper to advert to the fact that in every form in which the question has been presented to the people of Kentucky we have sufficient evidence to assure us that by a large majority their will has been manifested to unite their destinies with the Southern States whenever, despairing of the preservation of the Union, they should be required to choose between association with the North or the South. In both the communications presented will be found a powerful exposition of the misrepresentation of the people by the government of Kentucky, and it has

*See Johnson to Davis, November 21, p. 743.

led me to the conclusion that the revolution in which they are engaged offered the only remedy within their reach against usurpation and oppression, to which it would be a reflection upon that gallant people to suppose that they would tamely submit. That this proceeding for the admission of Kentucky into the Confederacy is wanting in the formality which characterized that of the States which seceded by the action of their organized government is manifested—indeed admitted—by terming it revolutionary. This imposes the necessity for examining the evidence to establish the fact that the popular will is in favor of admission of the State into the Confederacy. To this end I refer the Congress to the commissioners who have presented to me many facts which (if opportunity be afforded them) they will no doubt as freely communicate to the Congress. The conclusion at which I have arrived is that there is enough of merit in the application to warrant a disregard of its irregularity; that it is the people—that is to say, the State—who seek to confederate with us; that though embarrassed they cannot rightfully be controlled by a Government which violates its obligations and usurps powers in derogation of the liberty which it was instituted to preserve; and that, therefore, we may rightfully recognize the provisional government of Kentucky and under its auspices admit the State into the Confederacy. In reaching this conclusion I have endeavored to divest myself of the sentiments which strongly attract me toward that State, and to regard considerations, military and political, subordinate to propriety and justice in the determination of the question. I now invite the early attention of Congress that I may be guided by its advice in my action.

JEFF'N DAVIS.

[NOVEMBER 25, 1861.—For Secretary of War to Governor Harris, in relation to numerical designation of Tennessee organizations, see Series I, Vol. LII, Part II, p. 220.]

A RESOLUTION authorizing the transfer of funds to foreign parts.

Resolved by the Congress of the Confederate States of America, That the Secretary of the Treasury be authorized to transfer and place on deposit, in the hands of any foreign banker, such amount of money, not exceeding $2,000,000, as the public exigencies may require, and that he be authorized to make the transfer by remittance of bills or shipment of produce as he may deem most advantageous.

Approved November 26, 1861.

[NOVEMBER 26, 1861.—For Cooper to A. S. Johnston, requesting suspension of order for muster out of twelve-months' unarmed Mississippi troops, see Series I, Vol. VII, p. 705.]

CONFEDERATE STATES OF AMERICA, SUBSISTENCE DEPT.,
Richmond, November 27, 1861.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: It has obviously been the policy of this department to avoid advertising for bids to furnish meats for the Army. The packing

houses within the Confederacy were too few, the demands for the plantation negroes too great, and arrangements for combination too easy among contractors. Furthermore, the contracts being made would have been paper furnished for bank negotiation to conflict with the interests of the Government. Hence it has been decided to purchase, pack, and cure for itself, by securing all of the packing-houses and the experience of the parties conversant with the business. After having secured all that private persons have failed to grasp, we must look to Kentucky, and as the hopes predicated on a more rapid advance of our forces have proved delusive, it has become necessary to draw from beyond our lines, where our currency will not answer. Gold is necessary, but its price is from 20 to 25 per cent. premium; but pork and beef are one-third less costly, and meat bought and cured from them will be cheaper than what is obtained within our own land. To get this gold paragraph 835, Army Regulations, must be violated. It prohibits such exchanges except at par. This rule is because Government drafts have never been of less value than specie, but these regulations are no more applicable to present circumstances than order is assimilated to confusion. In my letter of August 21, responding, by direction of the Executive, to certain complaints from the Army of the Potomac, I alluded to what would have to be undertaken by this department in general terms. That letter was approved, and I think by implication that I am authorized by the War Department to do all that is fair and honest to advance the end. I propose to proceed accordingly and authorize my agent to buy gold, not as a Government act, however. If Government were known to be purchasing the price would rise accordingly.

I have the honor to be, very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General of Subsistence.

[NOVEMBER 27, 1861.—For Pike to Benjamin, in relation to raising Indian troops, &c., see Series I, Vol. VIII, p. 697.]

AN ACT to admit the State of Missouri into the Confederacy as a member of the Confederate States of America.

The Congress of the Confederate States of America do enact, That the State of Missouri be, and is hereby, admitted as a member of the Confederate States of America, upon an equal footing with the other States of the Confederacy, under the Constitution of the Provisional Government of the same.

Approved November 28, 1861.

RICHMOND, *November 28, 1861.*

Hon. W. PORCHER MILES,
Chairman Committee Military Affairs,
Congress of Confederate States:

SIR: In answer to your communication of the 27th instant, asking my opinion upon the expediency and practicability of a proposed increase of the pay of privates in the Confederate service, I have the

honor to state that according to existing laws the monthly pay of a private of cavalry is $12, of artillery and infantry $11. This is believed to be the highest rate of pay for those grades known in any service, and is exclusive of allowance for clothing, subsistence, or other items usually furnished to troops. The act of August 30, 1861, authorizes commutation for clothing not furnished by the Government at the rate of $25 per man for every six months. It appears to me that instead of an increase of pay proper, it would be much better to increase the commutation allowance of clothing to $30 for every six months, which would enable the soldier to make better provision for his comfort in that essential article than he is enabled to do at the present rate. This increased expense for clothing for a regiment of 1,000 men for one year would be $10,000; for 200,000 men it would be $2,000,000 per annum. The increase of army appropriation consequent on the increase of $5 pay per month to each private would for a regiment of 1,000 men be $60,000 for one year, and for 200,000 men for the same time it would be $12,000,000. I avail myself of this occasion to bring to your notice, respectfully, the fact that it does not appear, so far as I have examined the acts of the Congress of the Confederate States, that any provision has been made for wounded and disabled soldiers in the line of their duty or for the families of such as have been killed in battle, and to suggest whether something should not be done by the present Congress to provide for such cases.

I am, very respectfully, &c.,

S. COOPER,
Adjutant and Inspector General.

COUNCIL CHAMBER,
Bowling Green, Ky., November 28, 1861.

Be it remembered that on this day a bill was passed by the Council of the provisional government of the Commonwealth of Kentucky, to wit:

AN ACT to empower the Governor to appoint a commissioner to the Confederate States of America on the subject of banks.

Whereas, information has been received by the Governor and Council of the provisional government of the State of Kentucky that various banks of the State of Kentucky have, in obedience to unconstitutional law, and at the behest of foreign military power, loaned their respective quotas of $5,000,000, demanded of them under the pretext of a loan, to be used in the subjugation of the free people of this Commonwealth to the dominion of the old Federal Government; and

Whereas, the State of Kentucky is a stockholder in said banks, said stock having been purchased with funds raised by direct or indirect taxation on all the people, and to the extent of such stock the people are interested in, and of right should control, said funds; and

Whereas, this government is fully persuaded that the people do not desire their own funds to be used for their own subjugation and enslavement: Wherefore, to prevent which,

Be it enacted by the Council of the provisional government of the State of Kentucky, That the Governor be, and he is hereby, empowered and instructed to appoint a commissioner, whose duty it shall be to proceed forthwith to the capital of the Confederate States of America to confer with the proper authorities of that Government as to the most practicable manner of securing all moneys and all other assets of the following banks, viz: The Bank of Kentucky, the Northern Bank of Kentucky, and the Farmers' Bank of Kentucky, now in the city of New Orleans or elsewhere within the Confederate States, and that said Confederate States are requested to co-operate with said commissioner in securing said moneys and assets.

Said commissioner, when said money or assets shall have come to his hands, shall hold the same subject to the future control of the Government; he shall keep in suitable books selected by him an accurate account of all moneys or assets received by him, to whom they belong, their character, nature, and extent, which books shall at all times be open to the inspection of the Governor and Council of the provisional government of the State. He shall also report to the Governor and Council monthly his actings and doings. Before any of said moneys or assets shall be received by said commissioner he shall execute bond in the sum of $50,000, payable to the Governor and Council of the provisional government of Kentucky, with good and sufficient security, to be approved by the Governor, and he shall moreover, before entering upon the discharge of his duties, take the oath prescribed by law for the officers of the Government.

W. B. MACHEN,
President of the Council.

Approved November 28, 1861.

G. W. JOHNSON,
Provisional Governor.

By the Governor:

R. McKEE,
Secretary of State.

And be it also remembered that on this the 30th day of November, 1861, in pursuance of the provisions of the foregoing bill, the following order was entered upon the journal of the Council aforesaid, to wit: "A message was received from the Governor nominating John D. Morris, esq., as commissioner under an act entitled 'An act to empower the Governor to appoint a commissioner to the Confederate States of America on the subject of banks,'" which nomination was confirmed.

Attest.

A. FRANK BROWN,
Clerk of the Council of the Provisional Government of Kentucky.

AN ACT to enable the State of Missouri to elect members of the House of Representatives.

The Congress of the Confederate States of America do enact, as follows: In case the State of Missouri shall adopt and ratify the Constitution for the permanent government of the Confederate States of America, the time for holding in said State the first election for members of the House of Representatives in the Congress of said Confederate States, under said Constitution, shall be such as may be designated by the Legislature of said State; which election shall be conducted, in all respects, according to said Constitution and the law of said State, then in force for that purpose; and if no provision by law shall have been made for such election, then according to the laws heretofore existing therein for the election of members of the House of Representatives in the Congress of the United States.

SEC. 2. The State of Missouri shall be entitled to elect thirteen members to the House of Representatives, the same being upon the basis of one member for every ninety thousand representative population, and one additional member for a fraction over one-half of the ratio aforesaid, under the census of the United States, taken in eighteen hundred and sixty, and being the same basis of representation fixed for the seven original States in said Constitution for permanent government.

Approved November 29, 1861.

WAR DEPARTMENT,
Richmond, November 30, 1861.

The PRESIDENT:

SIR: I submit the following suggestions in relation to the legislation that experience seems to have proven to be necessary for the better administration of this Department:

First. A number of naval officers of ability and experience have been detailed for artillery service and the command of forts and batteries. Their position and rank in the naval service render it eminently proper that they should have chief command in many instances where they are outranked by volunteer officers not competent for such command. I think it would be of great advantage to the service that the Executive should be allowed to confer temporary Army rank on such officers, to last only while engaged in service with troops in batteries or in the field, and not to affect their position in the Navy.

Second. The law now allows a number of assistant quartermasters and commissaries not exceeding one for each regiment, and of brigade quartermasters and commissaries not exceeding one for each brigade. No provision is made for these staff officers for posts, hospitals, &c., nor for general depots. The expansion of the operations of the Army and the field over which they are conducted have rendered necessary a large number of posts and depots, while the difficulties in railroad transportation frequently require details of such officers to take care of and hasten the forwarding of Government property in transit.

Power ought to be granted to increase the number of these officers so as to provide for posts, depots, special duty on railroads, and similar service. It has been necessary to attempt a remedy for the present deficiency of the staff by assigning to brigades only one officer, either quartermaster or commissary, to perform the duties of both offices, but this remedy has proved insufficient, and general complaint is made of the inadequacy of such service in the field. It must be remembered in this connection that there are no paymasters in the service, so that the duties of quartermasters are much more onerous than under the system formerly established.

Third. The different States which have joined the Confederacy were provided with distinct military organizations, which have been transferred to the Confederate States. The officers appointed by the several States have usually been transferred with the troops, including such staff officers as, under the provisions of the law, are appointed by the President, with the advice of Congress. Many of these officers, ignorant of the provisions of a new and complicated system, have continued with their respective regiments, faithfully performing the duties of surgeons, quartermasters, commissaries, and chaplains for months after the transfer, and have only been made aware of the necessity of having their appointments renewed by Confederate authority when refused pay for valuable and faithful service. Whenever such officers have been reappointed, and have thus received indisputable testimonials of their fitness for office and of the value of their services, justice seems to require that their rank and pay should both commence at the date when their services began. I have not felt authorized to allow any of the numerous claims that have been pressed on the Department, but have deemed it a duty to the officers to promise that their demand should be brought to the attention of Congress.

Fourth. Some regiments have already been disbanded at the expiration of their term of service. Legislation is necessary to fix a rule

determining whether the staff officers, surgeons, quartermasters, commissaries, and adjutants appointed from civil life lose their commissions when the regiments are disbanded, or whether they are to remain in the service and be assigned to duty with other troops.

Fifth. The act of Congress in relation to cadets confines the appointments to persons selected from the Confederate States. There are several instances of meritorious youths, citizens of what are known as the Border States, who have resigned their positions at the Military Academy at West Point and are now serving as privates in our ranks. Ought not these cases to be provided for by permitting the President to commission such young men as cadets in our service?

Sixth. The act "to provide for the public defense" allows to a battalion (section 8) a chief bugler or principal musician, according to corps, but omits a like provision for regiments. This is supposed to be an unintentional omission and attention is invited to it.

Seventh. The act of Congress establishing the Regular Army provides for a corps of artillery with certain officers and does not seem to contemplate the organization of field batteries into battalions or regiments. In actual service it is known that it rarely if ever occurs that field batteries are used in organized battalions or regiments. The act "to provide for the public defense," while it authorizes the acceptance of volunteers as artillerists in companies, battalions, and regiments, and empowers the President to unite them in such organizations when tendered in separate companies, does not require that he should do so, nor would the good of the service be at all promoted by such action on his part. If, then, the battery or single company be the best organization for artillery, as seems to be unquestionable, it results that under the present legislation the Executive is without power to reward eminent services in that arm by promotion. If we take for example the battalion of Washington Artillery which (being mustered into service as a battalion) happens to be commanded by a major, it is found that Major Walton, whose services have been conspicuous in that arm and whose promotion has been recommended by his generals and is desired by the President, is deprived of that substantial mark of approval for eminent service which is the cherished hope of the true soldier.

The remedy seems to be to authorize the appointment of officers of artillery of higher rank than is now permissible, and I would respectfully suggest that Congress permit the appointment of officers of artillery in the Provisional Army and in the volunteer corps, not to exceed in number one brigadier-general for every twenty batteries, one colonel for every ten batteries, one lieutenant-colonel for every six batteries, and one major for every four batteries, without reference to the number of batteries under the actual command of the officers so appointed.

Eighth. The act of Congress of 21st of May, 1861, authorizes the President to confer temporary rank and command for service with volunteer troops on officers of the Confederate Army. According to the terms of this act such temporary rank is admissible only when the officers of the Army are on actual duty in the field with troops. But there is in the different bureaus a number of meritorious officers whose duties, onerous and irksome, are performed under my personal observation with universal assiduity and fidelity. They are debarred by the necessities of the service from active duty against the enemy, and I have been compelled in repeated instances to refuse their urgent appeals for permission to take the field. They have been offered the

command of regiments while ranking only as lieutenants or captains, and have seen their juniors elevated above them and placed on the great highway of distinction without an opportunity to share in the perils and rewards of active service. It is true that the rank thus conferred is temporary and that after the war the relative positions of all the officers will remain the same. But why should not the like temporary rank be bestowed on those who are unwillingly compelled to perform the most unacceptable duty as well as on those who are favored with positions where they obtain not only temporary rank but opportunity for fame, fortune, and the gratitude and admiration of their countrymen. I respectfully suggest that the Executive should be authorized to grant such temporary rank (to cease at the end of the war) as may seem to him to be due to those officers in the Bureaus of the Adjutant-General, Chief of Engineers, and Chief of Ordnance who may seem best to merit such mark of approval for arduous and faithful service.

Ninth. There are some officers, formerly in the service of the United States, who resigned their positions in consequence of the secession of their native States, and have tendered their services to the Confederacy, but who, from advanced age, physical infirmity, and other like cause, are not in a condition to render service in this great struggle for independence. The public interest does not permit their appointment for active service, yet it seems most ungracious that their patriotism and fidelity to duty should be visited by the penalty of the loss of rank and pay. The wisdom of Congress is invoked for proper legislation to meet and provide for such cases.

Tenth. There seems to be doubt whether, under a proper construction of the law, promotion by seniority, except among field officers, should take place in regiments organized by the President. Companies are received with their officers as elected. The President organizes them into battalions or regiments and appoints the field officers. When vacancies subsequently occur among the field officers, are the captains, who were not appointed, but elected, entitled to rise by seniority, or has the President the power to fill by appointment? The latter seems far preferable; but whatever be the opinion of Congress on the subject, the rule ought to be fixed.

Eleventh. In the arrangements for hospitals no provision is made for laundresses. It is recommended that authority be given to employ them at a compensation of $8 per month and one ration per diem.

Twelfth. Hitherto commissions have not been issued to any of the officers, either of the permanent or Provisional Army. The pressure of business has rendered the preparation and signing of the very large number of commissions needed for the Army almost impracticable. Arrangements have, however, been made for their early delivery, but it will evidently be impossible for the President to sign them all in person. Provision is necessary to empower him to have the commissions signed by some officer to be delegated for that purpose.

Thirteenth. The interruption of commerce by the war has rendered it necessary to supply many articles of prime military necessity by home manufacture, and the duties of the Chief of Ordnance have thus been varied and multiplied to an unprecedented extent. In addition to the articles usually manufactured in a military laboratory, it has been necessary to manufacture for the use of the laboratory articles usually found in the shops. Sulphuric acid, nitric acid, dif-

ferent metallic salts, and a variety of chemicals can be obtained for the use of the laboratory only by our manufacturing them, while our citizens engaged in supplying niter, sulphur, and gunpowder need guidance, superintendence, and instruction to prevent the loss of labor and materials by imperfect or wasteful processes. It has therefore become urgent to add to the Ordnance Bureau some accomplished scientific officer to take charge of many of the operations which involve the application of chemistry to the arts and the province of metallurgy.

Establishments for the manufacture of the principal acids and chemicals must necessarily be placed at various convenient points, and the different ores used for ordnance purposes require analysis. As these operations are intended to be confined to what is required for strictly military purposes, it is recommended that there be added to the ordnance service an officer, with the rank of major, to be specially charged with the duties above referred to, and that a number of assistants be allowed him, not exceeding four, to be appointed by the President as needed, and with rank either of lieutenant or captain, as may appear appropriate to the duties confided to them.

Fourteenth. I have reserved for the last the most important of all the subjects that can engage the attention of Congress. It is impossible to view without disquietude the approach of the period when many of the twelve-months' volunteers will be mustered out of service.

The experience of the past eight months has amply demonstrated, if, indeed, demonstration were needed, the radical vices of a system of short enlistments and the impossibility of conducting effective campaigns with raw levies. The time consumed in the instruction of the soldier, in his transportation, in his recovery from the usual camp diseases, in all the preparations required to make him reliable at all times and for all service, consumes from one-third to one-half of the term of a twelve-months' enlistment, and scarcely has the recruit been ripened into the hardy soldier when the rigor of the winter causes a forced inaction of several additional months. It is, perhaps, no exaggeration to say that the actual effective service of the volunteer for the first twelve months does not exceed on the average one-fourth of that term, and is thus rendered enormously expensive. Twelve months' pay, clothing and subsistence, transportation both ways, tents, camp equipage, and medical attendance and supplies constitute a sum total for three or four months' service that is startling in amount, and the finances of the wealthiest nations on earth could scarcely bear a continuous drain of such magnitude; and yet this lavish expenditure is perhaps the least of the evils of the system. Engaged in a struggle for national life itself, the loss of money becomes insignificant when compared with the loss of efficiency in the Army. It is impossible to estimate the extent to which our arms will be weakened if the twelve-months' volunteers, inured to hardship, recovered from camp diseases, steadied by discipline, and inspired by the consciousness of their own improved condition and efficiency, shall be replaced by raw recruits in the approaching spring at the very opening of the season for vigorous operations. It is believed that no wiser economy could be practiced than by granting a liberal bounty, together with a moderate furlough, to the twelve-months' volunteers on condition of their re-enlistment for the war. Nor should these inducements be delayed; let them be offered at once; let the Executive be empowered to establish regulations by which these volunteers shall, on condition of re-enlistment for the

war, be allowed by turns, and in such numbers at a time as not to endanger the safety of the Army, a moderate furlough. To this let there be added two or three months' pay per man, and there can be little doubt that a large majority of the twelve-months' men would re-enlist for the war, thus enabling us to take the field in the spring with vigor and efficiency. If Congress concur in these views the legislation should be immediate, and every effort of the Department would be directed to insuring its success.

I am, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

Resolved, That the General Assembly of the State of South Carolina has full confidence in the ability, integrity, and patriotism of Jefferson Davis, President of the Confederate States of America, and in the wisdom and statesmanship of his administration.

Resolved, That it is the sense of this General Assembly that the administration of President Davis is entitled to the earnest and vigorous support of the good people of this Commonwealth.

[Indorsement.]

Resolved, That the Senate do agree to the resolutions.

Ordered, That they be sent to the House of Representatives for concurrence.

By order of—

WILLIAM E. MARTIN,
Clerk of the Senate.
Per WILLIAM D. MARTIN.

In the Senate, November 29, 1861.

Resolved, That the House do concur in the resolutions.

Ordered, That they be returned to the Senate.

By order of—

JOHN T. SLOAN,
Clerk House of Representatives.

In the House of Representatives, November 30, 1861.

WAR DEPARTMENT,
Richmond, November —, 1861.

The PRESIDENT:

SIR: I have the honor to transmit herewith for submission to Congress the estimate of the appropriations necessary for the public service in this Department up to the 1st of April next. I beg to remark that estimates were submitted at the last session for the amount necessary to conduct the war up to the 18th of February next, on the scale of magnitude which my predecessor believed to be impending, but his estimates were greatly reduced, in the hope (rather, perhaps, than in the expectation) that the enemy would be unable to put in the field so large a force as 500,000 men then threatened. The reality is, however, now upon us, and there is no escape from the necessity of meeting this gigantic invasion at every point of assault. From Arizona to the Chesapeake Bay and along the whole of our

extended sea-coast armies are marshaled for defense, and the expenditure for this vast military force cannot be limited at our will. The estimates are for about 400,000 men, and it will be entirely unsafe to make any reduction in them.

It is proper to say that under the belief that entire candor and confidence should mark all communications between the executive and legislative departments of the Government, I have abstained from the not uncommon practice of presenting exaggerated estimates in anticipation of a reduction by Congress in the amount appropriated. I have therefore reduced the estimates made by chiefs of bureaus to the amounts deemed by me sufficient, after full examination, as will appear to a striking extent in the annexed letter of the Quartermaster-General, dated 30th of November. I trust, therefore, that Congress will appreciate the motive which has dictated this course, and will so far honor me with its confidence as to feel satisfied that the estimates cannot be further reduced without danger to the public defense. The appropriations heretofore made being now nearly exhausted in some branches of the service and entirely so in others, the estimates now presented cover the four months of December, January, February, and March, and amount to a fraction over $90,000,000. Thenceforward it is not to be hoped that the expenditures of this Department can fall short of $24,000,000 per month until the restoration of peace, or at all events until the renewal of commerce with foreign nations, which would greatly reduce the cost of all military supplies. The amount called for, divided among the different bureaus, is as follows:

1. Quartermaster-General	$72,323,701
2. Commissary-General	13,650,807
3. Ordnance Bureau	4,000,000
4. Surgeon-General's Bureau	370,000
5. Engineers' Bureau	200,000
6. Contingencies of the Army	50,000
7. Contingencies of the War Department	20,000
8. Contingencies of Adjutant-General's Office	10,000
9. Pay of the head of War Department, clerks, and officers	10,000
Total	90,634,508

I annex hereto the detailed estimates of the different bureaus, marked A, B, C, D, E, F, and G.* The items of the estimate for the Ordnance Bureau are not repeated in the Estimate D, being the same as those contained in the estimate of the last session and not granted by Congress. That Bureau is now without one dollar remaining of the appropriation made at the last session, and is in urgent need of supplies, which cannot be postponed.

Very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

CIRCULAR.] CONFEDERATE STATES OF AMERICA, WAR DEPT.,
Richmond, November —, 1861.

1. No unarmed troops can be accepted for a less period than during the war.

2. Unarmed troops (infantry) offered for the war are accepted by companies, battalions, or regiments, and when mustered into service are ordered into camp of instruction until equipped for the field.

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*Estimates not of record in War Department letter book.

3. Arms will be furnished to all unarmed troops accepted for the war when ordered into the field.

4. Arms furnished by troops for the war will be paid for, if required, upon valuation by a proper officer when the troops are mustered into service, and when it is deemed practicable will be improved at Government expense. Rifles, muskets, or good shotguns will be accepted, but no arms can be furnished or paid for to troops enlisted for twelve months only.

5. No cavalry can be accepted unless armed with at least one kind of serviceable arms. No cavalry can be received for twelve months unless already fully armed and equipped. No horses are furnished to cavalry. Only such as are killed in battle are paid for; but 40 cents per day are allowed for the use and risk of horses.

6. When artillery companies furnish their own guns for the war the guns will be paid for and the batteries equipped, including horses, when ordered to the field.

7. No troops can be accepted for local service unless required by the officer commanding the department in question and fully armed, and then only as prescribed by the act of Congress entitled "An act to provide for local defense and special service," receiving subsistence, pay, &c., only while in actual service or under orders. Except under this act no troops can be accepted with any condition as to where they will serve.

8. Companies elect their own officers, and until they receive commissions the muster-rolls furnish full evidence of their rank. No company can be accepted unless fully organized—if infantry, with at least sixty-four; if cavalry, with at least sixty; if artillery, with at least seventy privates.

9. No regiment or battalion can be accepted unless already organized by the election of field officers, which officers then receive commissions, with rank from the date of mustering into service. When companies already accepted are afterward organized into regiments or battalions, the President appoints the field officers; but in no case will a commission be conferred or promised in advance.

10. A regiment is by law composed of ten companies, neither more nor less. A battalion is entitled to no other field officer than a major, unless the number of companies exceeds five.

11. Staff officers, quartermaster, commissary, surgeon, assistant surgeon, chaplain, and adjutant (when this latter is not already lieutenant of the regiment) are always appointed by the President through this Department. The recommendation of the commanding officer is respected in making such appointments, and he should forward his recommendations to this Department as soon as mustered into service or as a vacancy may occur. Except staff appointments upon the recommendation of the commanding officer upon whose staff the vacancy exists, no appointments are now made from civil life.

12. No troops can be mustered into service except by order of the Adjutant and Inspector General, upon information that the troops are accepted by this Department and ready to be mustered.

13. No supplies, transportation, &c., can be furnished to any troops until already mustered into service. When troops are mustered in they will be supplied by the nearest quartermaster and commissary until otherwise provided for.

14. Commutation is allowed for clothing furnished at the rate of $25 for six months, payable to the captains of companies upon vouchers, presented to the Quartermaster's Department, showing that their men are supplied according to regulation with clothing for the time specified.

15. All supplies of clothing or other stores for soldiers, hospitals, &c., from private contributions will be transmitted free if delivered, properly addressed, to an officer of the Quartermaster's Department; but no person can receive free transportation for the purpose of conveying such articles.

16. All communications from persons in the service must be transmitted through the office of the Adjutant-General, and all communications from subordinates must be duly forwarded through their commanding officer. No offer of resignation or application for discharge, furlough, &c., and no requisitions will be considered unless so transmitted. All communications from camps should contain, in addition to the specification of the regiment, the name of the post-office to which answer should be addressed.

J. P. BENJAMIN,
Acting Secretary of War.

CIRCULAR.] CONFEDERATE STATES OF AMERICA,
QUARTERMASTER-GENERAL'S DEPARTMENT,
Richmond, Va., November —, 1861.

The following additional instructions in reference to impressments of private property for military purposes are issued for the information and guidance of officers and agents of this department:

1. An officer appointing agents to make the impressments will in all cases furnish such agents written evidence of their authority to act, and agents, whenever required by parties interested, will exhibit the orders or authority under which they are acting.

2. Agents who make impressments will in all cases give to the owner of the property impressed or his agent a certificate stating the character and value thereof, and they will moreover return to the office of the department from whom they derive their authority a statement of all property impressed by them, with the name of the owners. An abstract of these statements will be forwarded to this office by the officer to whom they are returned.

3. Impressments must not be resorted to, except when absolutely demanded by the public necessities, and their burden must be apportioned among the community, so far as may be possible, equally and impartially, having due regard to the means and ability of owners of property.

4. When teams and other property, including slave teamsters, are impressed into the service of the Confederate States, the owners thereof may be compensated by officers of the Quartermaster's Department at the usual rates of hire.

5. When the owners of any property impressed into the public service (slaves excepted) are willing to relinquish the same to the Government, the officers of the Quartermaster's Department may pay the fair appraised value thereof and take up the property in their returns, to be accounted for as other public property.

6. When private property has been duly impressed by order of the commanding officer, and it shall appear by satisfactory evidence to have been expended in the public service, officers of the Quartermaster's Department may pay the fair appraised value thereof, although the property may not have been regularly received and issued by any quartermaster.

A. C. MYERS,
Acting Quartermaster-General.

WAR DEPARTMENT,
December 2, 1861.

The PRESIDENT:

SIR: In response to the resolution of Congress addressed to you and referred to me for answer, making inquiry "whether any restrictions, and if so, what, have been placed upon vessels leaving the ports of the Confederate States other than those imposed by law; and if any such have been imposed, by what authority," I have the honor to report: That having been reliably informed that certain vessels were engaged under color of neutral commerce in furnishing to the enemy supplies of naval stores by voyages ostensibly undertaken for British ports, but really intended for Boston, New York, and Philadelphia, I determined to arrest a traffic so unlawful and so hostile to our safety. I accordingly addressed to General Anderson, then in command at Wilmington, on the 8th of October, the order contained in the annexed extract, marked A. Having been subsequently informed by the Secretary of the Treasury that he had, without knowledge of this order, granted a clearance to two vessels laden with naval stores and alleged to be neutral and bound for British ports, a second order was issued by me, on application of the owners of those vessels, under date of 21st of October, followed by two others of 15th and 25th of November, hereto annexed, marked B, C, and D. These orders explain themselves. They had reference exclusively to naval stores, known to the law of nations as contraband of war. The enemy greatly needed such stores to fit out the naval expeditions then in progress of preparation, and known to be intended for invasion of our coast. The enemy's fleet was blockading the very harbor from which these naval stores were about to be sent, and there was imminent risk of their capture. The authority for retaining the vessels loaded with these stores under the circumstances was that general authority vested in the executive power of all nations engaged in war to prevent any aid, assistance, or comfort from being given by persons within their jurisdiction to the public enemy.

No interference with any other cargoes has occurred, but I shall deem it my duty, unless otherwise ordered, to prevent any cargo from leaving any blockaded port whenever reasonable cause is shown for suspecting that the cargo is not shipped in good faith for the purpose of running the blockade, but is intended to be captured by the enemy. It is obvious that collusion of this sort under neutral flags would be the easiest possible mode of furnishing supplies to our foes, and that the military authority must have some discretion to prevent the accomplishment of such schemes. The discretion may be abused undoubtedly. The best remedy in such cases is the dismissal of the officer who abuses the discretion.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

A.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 8, 1861.

Brig. Gen. J. R. ANDERSON,
Wilmington, N. C.:

SIR: * * * The Department is not willing that you should permit vessels to depart from your command, laden with naval stores, no

matter under what flag nor to what destination. These stores are in a majority of instances applied to the fitting out of hostile expeditions against us. They are sent either directly or circuitously to our enemies, and aid them against us. You are instructed not to allow such shipments to be made.

Your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

B.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 21, 1861.

Brig. Gen. JOS. R. ANDERSON,
Wilmington, N. C.:

SIR: I wrote you a short time ago that no vessels were to be permitted to leave the ports of North Carolina laden with naval stores whilst those ports were blockaded. This order was dictated by the plainest necessity of self-defense. We could not permit the enemy's fleet to seize those supplies which the enemy most required in prosecuting the war.

It seems, however, that the two vessels to which you referred were laden under the faith of a permit from the Secretary of the Treasury, on assurances deemed by him reliable, that they would go across the Atlantic. Under these circumstances the Government, of course, feels bound not to disappoint the just expectations of the neutral owners, whilst it feels compelled to spare no effort to prevent the enemy taking advantage of the shipment of these stores.

You are therefore instructed to permit these two vessels to depart with their cargoes whenever you shall feel satisfied that they can leave the port without risk of capture by the blockading fleet.

I am, your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

P. S.—The owners have been informed that if they are not willing to wait till they can depart with safety, the Government will purchase their cargoes, with a fair allowance for indemnity for loss of voyage.

C.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 15, 1861.

General JOS. R. ANDERSON,
Wilmington, N. C.:

SIR: In my former letter on the subject of the two vessels laden with naval stores I informed you that you were at liberty to permit their departure whenever they could leave without risk of capture by the blockading fleet.

The owners complain that by this language you understand that the vessels are not to depart till the blockade is raised. Such was not my meaning. The idea was that on the many occasions which occur, by tempestuous weather or other causes, when the vessels employed on the blockade temporarily disappear, you were at liberty to use your discretion to permit the departure of the neutral vessels. Perhaps the best test is this: Suppose yourself to be the owner of the neutral

vessel, and then whenever you think the chance of escape such as would induce you to try it for yourself if uninsured, you would be justified in allowing these vessels to depart.

Your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

D.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 25, 1861.

J. P. LEVY,
Wilmington, N. C.:

SIR: Your letter of November 20 in regard to your proposed voyage, which had been previously brought to the attention of the Department by your letter to Hon. R. M. T. Hunter, is received.

The Government will make no objection to your voyage as proposed, but can make no advance of money nor take any interest or risk in connection with it.

Respectfully,

J. P. BENJAMIN,
Acting Secretary of War.

SAVANNAH, *December 2, 1861.*

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: I have the annexed list of goods on board ship Cheshire, at Nassau, New Providence, for sale, deliverable there. Will you buy them, and at what advance on the cost in England? I expect another somewhat similar cargo by the Consul, to Halifax, by the 15th instant. Will you buy it also, deliverable there? If your commissaries do not put a limit on prices they will soon exhaust your credit in their reckless purchases—coffee $1 to $1.20 per pound, and many other things nearly as bad. They are the only buyers of provisions, and can fix the prices, and they should be moderate and fair, and pay no more. They can get as much coffee at 30 and 40 cents as at $2 per pound. Nor is it necessary to buy coffee at such prices at all. The volunteers would not expect it. Please excuse these suggestions.

Very respectfully,

G. B. LAMAR.

Memorandum of goods imported per British ship Cheshire from Liverpool to Nassau, New Providence.

Seven hundred and twenty-one bags coffee, 4,000 sacks salt, 500 boxes coke terre plates, 500 boxes charcoal tin plates, 38 casks pickles, 75 crates earthenware, 2 cases cotton twist, 5 bales worsted shirts, hose, &c., 5 bales twine, 60 bales and 2 packages blankets, 1 case pins and needles, 2 cases and 1 package drugs and cotton lint, 1 bale buntings, 1 bale counterpanes, 1 case boots, 12 boxes block tin.

[Indorsement.]

For coffee the highest price hitherto paid, as far as the records of this office show, has not exceeded 41 cents. The limit has been fixed

at 45 cents. I was offered some at 80 cents, never having heard that more had ever been asked. The writer is mistaken as regards reckless purchasing by commissaries of the Confederate States. It is possible that State commissaries, or some traveling body of men, may have on their own account made such purchases. It is respectfully suggested that a copy of this letter be furnished this department, to be forwarded to the chief commissary at Savannah.

L. B. NORTHROP,
Commissary-General of Subsistence.

[DECEMBER 2, 1861.]

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES:

According to the legally expressed will of the people, I am present to-day to take the oath and assume the duties prescribed for the Chief Executive of the State of Alabama. Diffident as I well might be at any time to undertake a trust of such large responsibility, now that we are in the midst of momentous events requiring vigilance, fortitude, labor, and skill beyond the ordinary demands of our internal administration, the stoutest heart and wisest intellect might hesitate in view of all the just expectations of the country. But with an unwavering faith in the God of Providence, and humbly invoking His sustaining power and guidance, I shall earnestly address myself to the work before me; and the cheering prospect of a great people, well knowing the inestimable value of liberty, cordially united as brothers in its defense, affords the gratifying assurance that an entire self-consecration to the common cause will at least merit their approbation. In response to many partial friends whose generous proposals induced me to announce myself as a candidate for Governor, I declared that, should their preference for me be indorsed by the people, I should enter upon the executive office untrammeled by personal or party combinations, and with no other purpose than to gain the esteem and confidence of the State by the diligence with which I should strive for the maintenance of her every right and the advancement of her every interest. And here on this solemn occasion I renew this declaration and these assurances to you, and the sovereign people of Alabama whom you have the honor to represent in the General Assembly. And I am persuaded that the same spirit and purpose animate you, and that amid the clangor of arms, the thunder of artillery, the divisions which sprang out of our former federal relations are ignored, and from these legislative halls shall go forth to rejoice the hearts of a confiding constituency the assured fact that their trusted public servants are emulous only for the achievement of that which will most surely promote the public weal and protect the honor of Alabama. In devising the best means for the attainment of these ends there may arise differences of opinion, but as these are the necessary result of independent judgment they will more fully illustrate our patriotic devotion when followed by a hearty acquiescence in those measures which may obtain the legislative sanction. As Alabamians we can have no higher ambition, no loftier aim in this life than to live and labor for this grand Commonwealth of ours.

With almost every variety of soil and climate and product of agriculture, with inexhaustible supplies of all those mineral deposits essential to advancing civilization, with navigable waters of thousands of miles, unsurpassed, if equaled, in their providential arrangements and

adaptation to the demands of commerce by those of any other single State, with extended lines of railway opening up other channels of communication, now so fortunately contributing to the public defense, with a governmental organization based upon our admirable constitution, securing permanency and efficiency, harmoniously blended in the administration of its various departments, and, above all, and better than all, with its great popular heart devoted to liberty, yet obedient to law, full of energy and self-reliance, respectful of the rights of others and sensitively jealous of its own, braving all dangers and daring all things except the displeasure of the Almighty—who could not afford to suffer, who would not be willing to die for Alabama? We have reached an eventful era in the progress of the State. Our usual tranquillity and regular pursuits have been disturbed by the tocsin of war. The emergency will test the mettle and the nerve of the body politic. But the historian who records our sacrifices shall also record our triumphs. Pending the interruption of active industry and its appropriate rewards, the people expect the General Assembly to devise such expedients as with a rigid economy may alleviate the pressure of unaccustomed burdens, which shall likewise maintain public order and preserve the public faith unimpaired. No measures of legislation are, however, more delicate, none more hazardous than those which affect the finances or interfere with the legitimate pursuits of the people. Governments are instituted among men to protect life, liberty, and property, and the great merit of our republican system has ever been that it secures the largest enjoyment of all our natural rights consistent with the general good; and the special boast of the slave-holding States of America is that we have as a basis of our conservatism an establishment of domestic labor which gives strength and stability to their government. While Alabama is now engaged in active hostilities, and the fleets of the enemy are hovering upon her coasts, the internal machinery of her State organization remains intact in all its parts and proportions, and her people calmly repose beneath the sheltering ægis of her laws. This assured protection of the citizen in all his just rights, as well against internal violence as against external wrong, has laid the foundations of our public credit and prosperity, and will bear us safely through the perils which surround us.

While the Legislature shall provide appropriate and needful relief amid the disturbed condition of affairs, I cannot doubt that it will so guide its deliberations as not to weaken but to uphold and strengthen our State efficiency and power, and thus justify the confidence entertained by the people in its wisdom and patriotism. And, as public servants intrusted with all the vast interests of the State, it becomes our duty to fortify her position by every means at our command; to stimulate the energies of her people and encourage those internal enterprises and industrial adventures which shall contribute to the public benefit; to promote the popular intelligence, elevate the public morals, and strengthen the public confidence, and to infuse and intensify that spirit of State independence, State loyalty, and State pride which shall link her people in closer sympathy and attach them to Alabama with all the ardor of devoted sons. I need hardly give assurance that I will cordially co-operate with the General Assembly in all such measures as may promise the accomplishment of the most desirable results. In January last, after years of patient endurance of wrong and insult, under the vain hope of a returning sense of justice, Alabama withdrew from her compact with the United States and entered into a new federal alliance with the States of the South,

homogeneous in character and identified with her social and political institutions.

The exercise by her and her sister Confederate States of their unquestionable right as sovereignties to withdraw their delegation of powers from an agent which had violated their confidence and set at defiance their authority has brought down upon their people the malice and vengeance of the despotic Government at Washington. The people of the States at the North, under the control and direction of Abraham Lincoln and his conspirators against their own Constitution and laws, have invaded our peaceful shores and madly threaten our subjugation. When this unholy and cruel war shall close, as close it must in disaster and shame upon the heads of its authors, the civilized world will stand amazed at the folly and wickedness of a people whose liberties were achieved by the combined toil and commingled blood of their fathers and our fathers fighting together for the inalienable right of self-government. Our coasts may be ravaged, our cities and towns reduced to ashes, our fertile fields may wither beneath the tread of a hostile foe, and our happy homes made desolate, and this proud capitol of a great and free people—its halls sanctified by their ordinance of secession and the Constitution of the Confederate States of America—may be demolished by the guns of the enemy, but the sacred right of self-government, inherited from our fathers and stamped with their life's blood, Alabamians never will surrender. But as there is a just God above us, who teareth down and buildeth up empires, the God of our fathers, who conducted them to victory while engaged in the same righteous cause, and who has already graciously crowned our arms with triumphs, we commit the issues into His hands, and with humble confidence and sustaining faith that, though through toil and privation and treasure and blood it must be achieved, we shall drive the invaders from our land, and finally establish these Confederate States of America among the separate and independent powers of the earth.

> States caring not what freedom's cost may be,
> May soon or late, but must at last, be free.

Warned, however, by the mad fury of the enemy and the mighty struggles now being made by land and by sea to plunder, oppress, and humiliate our people, and relying, as the Confederate States do and must, upon their own unaided power for their defense, it becomes our first duty as a wise people to develop and husband all our resources, and to devote all the ability of the State to maintain the high position she has assumed, and in unity with her sister Confederate States to uphold the arm of constituted authority, and to fight on and fight ever until we conquer a peace which shall not only compel an acknowledgment of our confederate system, but which shall bring us a deliverance, full and unrestricted, from all commercial dependence upon, as well as from all social and political complications with, a people who appreciate neither the value of liberty nor the sanctity of compacts. Alabama did not separate from them a day, not an hour, too soon, and while a speedy peace might be grateful to our love of ease and present comfort, and might save many a heart from anguish, the permanent good of the State and the Confederacy will be most certainly attained by that degree of suffering, that amount of endurance and self-sacrifice, which shall consolidate the masses and unite our people in the fixed and irrevocable purpose to maintain as perfect an independence of the United States as of all other organized

governments. This we have the right to assert, and this, with the blessing of God, whose favor we implore, we shall ultimately obtain.

JOHN GILL SHORTER.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 2, 1861.

Hon. C. G. MEMMINGER,
Secretary of the Treasury:

SIR: This Department has employed Mr. G. H. Giddings as agent to purchase arms and munitions of war, and he has made arrangements for their purchase in Matamoras. To provide funds for that purpose it is deemed best to remit cotton to that place to be sold by Mr. Giddings or by Mr. Charles Stillman. If, therefore, you can authorize Mr. Giddings to purchase for account of the Treasury 10,000 bales of cotton under the recent authority vested in you by Congress, for remittance to Matamoras, the proceeds of the cotton there sold would furnish the money required for paying for the arms. Mr. Giddings has also made an arrangement with Messrs. A. Uhde & Co., a commercial firm in Matamoras of which the English consul is partner, for advances on cotton to the amount of 10 cents per pound if it is found more advisable to ship than sell the cotton; and authority will be required from you to make this disposal when found by Mr. Giddings more advantageous than sale in Matamoras. The purchase of cotton by Mr. Giddings to be made for bonds to the extent of three-fourths of the price, and Treasury notes for the remainder, is said by him to be entirely practicable at rates which will place the cotton in Matamoras, all charges included, at a cost of not more than 12 cents per pound. I will in the course of a day or two make requisition on you for the amount requisite to meet the immediate payments falling due for arms and lead that must already have reached Matamoras.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 2, 1861.

His Excellency FRANCIS R. LUBBOCK,
Governor of Texas:

SIR: The Ordnance Bureau of this Department has employed Mr. G. H. Giddings, of your State, as its agent for the purchase of arms. Mr. Giddings has made arrangements for such purchases in Matamoras, payment to be made in the U. S. bonds now held by your State, which, as he thinks, can be used for that purpose, if you consent. The object of this letter is to inform you that if you will make use of the U. S. bonds in your possession in the purchase of arms to be approved of by Mr. Giddings, and at prices satisfactory to him, this Government will receive the arms from you at cost and charges, and pay for them in its own 8 per cent. bonds. By this arrangement you will succeed in exchanging your U. S. bonds, now useless, and bearing only 6 per cent., for the bonds of the Confederate States bearing interest at 8 per cent., and receive the interest regularly and punctually. I hope Your Excellency may deem it consistent with your sense

of public duty to make an arrangement which seems to be recommended by so many advantages.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE,
Richmond, Va., December 2, 1861.

Hon. J. P. BENJAMIN,
Secretary of War, Confederate States of America:

SIR: As the exercises of the military school of this State will be resumed in full on the 1st proximo, and both the Governor and Board of Visitors desire to make it, as far as possible, conducive to the operations of the Confederate service, I have thought it advisable to inform you of the facts stated, and transmit the inclosed extract of a private letter to me from Col. F. H. Smith, the superintendent. Though it is a mere glance at the subject, permit me to add that the Board of Visitors will be pleased to receive the views of the President and yourself, and to meet them as fully as it may be in their power to do so now and hereafter.

I am, with high respect, your obedient servant,

WM. H. RICHARDSON,
Adjt. Gen. of Virginia and ex officio Member Board of Visitors.

[Inclosure.]

Extract of a letter from Col. Francis H. Smith, commanding at Craney Island, dated November 23, 1861.

I will say to you in all frankness that this post is the most important at this juncture to the Southern Confederacy. From instructions just received, the result of the recent attack on Hilton Head, I am led to believe the same demonstration is expected here, and that the reliance of the Department is not merely upon skillful, drilled artillerists, but upon having officers in charge who understand the theory as well as practice of artillery service. Important changes are going on, the result of the heavy rifled ordnance, and an officer must understand the principles of these to do his duty here. I had last night a meeting of my captains and lieutenants, with a view of imparting to them instruction on some of these points, and shall continue these meetings from time to time until I feel sure that they are familiar with the details. I am anxious that the Board shall settle the question, as far as they can do it, with regard to the connection of the Institute with the Southern Confederacy. I think that all that is valuable in the art of war may be secured by having an understanding with the Confederate Government that at each annual examination the Secretary of War shall notify the Board of Visitors of the number of officers required for the military service, then send a board of examiners to meet when the Board is in session, that they may examine the graduating classes and report to the President the names of such as are recommended for commissions in the Army, the arm of service for which they are fitted, &c. This would give the Government all the advantage it might require of the school.

[DECEMBER 2, 1861.—For Benjamin to Pike, in relation to raising Indian troops, &c., see Series I, Vol. VIII, p. 699.]

[DECEMBER 2, 1861.—For Benjamin to Bragg, in relation to the re-enlistment of troops for the war, see Series I, Vol. VI, p. 773.]

CONFEDERATE STATES OF AMERICA,
ORDNANCE OFFICE, WAR DEPARTMENT,
Richmond, Va., December 4, 1861.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: Referring to act No. 232 of the third session of the Provisional Congress of the Confederate States, "making appropriations for the public defense," approved August 21, 1861, I have the honor to report that the amount apportioned to the Ordnance Department, in accordance with the provision in the second section of said act, is now entirely exhausted. I estimate that about $1,750,000 will be required for the necessary expenses of the department during the current month of December.

Very respectfully, your obedient servant,

J. GORGAS,
Lieutenant-Colonel and Chief of Ordnance.

SPECIAL ORDERS, No. 254. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, December 4, 1861.

* * * * * * *

XV. Hereafter the bodies of deceased soldiers will not be transported home except on the application of father, mother, son, or wife.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

Resolutions of confidence in our cause of war, and in the President, and in the Army.

Resolved, That we, the delegates of the people of North Carolina in convention assembled, entertain an undiminished confidence in the justice of the cause in which we have taken up arms, and we hold it to be the duty of the people of the Southern States to maintain and uphold that cause with all the means they can command.

Resolved, That in behalf of the people of North Carolina we declare to our sister States of this Confederacy and to the world that no measure of loss, no sacrifice of life or property, no privation or want shall cause us to shrink from the performance of our whole duty in the achievement of our independence.

Resolved, That from the cruel and barbarous manner in which our enemies have carried on this war—a war in which aged and dignified men and helpless women have been seized and without accusation or warrant or authority cast into prison; in which private property has been wantonly destroyed; in which robbery and arson are principal means of aggression, and in which servile insurrection has been proclaimed, we are convinced that there is a "radical incompatibility" between such people and ourselves; and from them our separation is

final, and for the independence we have asserted we will accept no alternative.

Resolved, That we have full confidence in the wisdom, integrity, and patriotism of the President of the Confederate States, and we congratulate him and our whole country upon the success with which he has administered the Government.

Resolved, That to the officers and soldiers who have gone forth to meet the dangers of this war we are under a deep debt of gratitude for the valor and fortitude with which they have defended us from the assaults of our enemies and illustrated the glory of our arms.

Resolved, That a copy of these resolutions be sent to our Representatives in Congress with a request that they be communicated to His Excellency the President of the Confederate States of America and to Congress.

Passed and ratified in open convention the 6th day of December, A. D. 1861.

W. N. EDWARDS,
President of the Convention.
JAMES H. MOORE,
Secretary of the Convention.

AN ACT for the employment of laundresses in military hospitals.

The Congress of the Confederate States of America do enact, That superintendents of the different military hospitals be, and they are hereby, authorized to employ laundresses for the sick and wounded soldiers, at such rates and in such numbers as may be prescribed by the War Department.

Approved December 7, 1861.

HEADQUARTERS PROVISIONAL FORCES,
DEPT. OF MIDDLE AND EAST FLORIDA,
Tallahassee, December 7, 1861.

General R. E. LEE,
Charleston, S. C.:

GENERAL: I have the honor to forward herewith a communication from the president of the Pensacola and Georgia Railroad Company, and also one from the chief engineer of the same, both in reference to what I deem a very important matter, and one to which I take the liberty of soliciting and urging your early and earnest attention. I fully concur in and indorse the views expressed by Mr. Latrobe, the chief engineer. If the necessary pecuniary aid, some $80,000, can be obtained from the Government, this, the only missing link in the chain of railroads between this point and Richmond, can be supplied by the 1st of March proximo. The iron is already in the country.

I am, very respectfully, your obedient servant,

J. H. TRAPIER,
Brigadier-General, Commanding.

[First indorsement.]

HEADQUARTERS,
Coosawhatchie, December 19, 1861.

Respectfully forwarded and recommended to the favorable consideration of the Honorable Secretary of War.

If aid can be extended so as to complete the connection between the railroads in question, it will be of the greatest advantage in a military point of view at the present time.

R. E. LEE,
General, Commanding.

[Second indorsement.]

DECEMBER 26, 1861.

Respectfully submitted to Secretary of War.

S. COOPER,
Adjutant and Inspector General.

[Inclosure.]

OFFICE PENSACOLA AND GEORGIA RAILROAD COMPANY,
Tallahassee, December 6, 1861.

General TRAPIER:

SIR: In compliance with your verbal request I inclose to you a communication from Mr. Latrobe, the chief engineer of this company, showing the condition of the work on the branch road connecting the Pensacola and Georgia Railroad with the Atlantic and Gulf Railroad of Georgia. In September last, in an interview with Mr. H. Roberts, the acting president of the Georgia road, I was informed that his company had progressed far enough with their grading to commence track laying, and that his company had iron enough to lay the portion of the connecting line in the State of Georgia and would co-operate with this company if we could procure the iron.

Yours, very respectfully,

E. HOUSTOUN,
President.

[Sub-inclosure.]

ENGINEER'S OFFICE, PENSACOLA AND GEORGIA R. R.,
Tallahassee, December 6, 1861.

Col. E. HOUSTOUN,
President Pensacola and Georgia Railroad Company:

SIR: In accordance with your desire to know the present condition of the Florida portion of the Georgia connection, twenty-two miles in length, in order that you may lay the same before the military authorities of the Confederate States, petitioning for aid in obtaining iron to complete a work so necessary to the successful defense of our Gulf coast, I submit the following: The grading is complete, excepting one mile, which the contractors now at work will finish by January 1, 1861 [1862]. The necessary culverts are all in with some few exceptions—four, I think, which could not delay the progress of the track laying. The cross-ties for eight miles north of the point of divergence from the Pensacola and Georgia Railroad are delivered along the line of road, making the track complete to the south bank of the Suwannee River. From the north bank of the Suwannee River to the Georgia State line, a distance of fourteen miles, six miles of cross-ties are ready for the road, leaving eight miles still to be furnished. These are contracted for and will be forthcoming at an early date. The work still to be done consists, therefore, of one mile of grading, eight miles of cross-ties, and the building of the Suwannee bridge, a simple structure of one span (160 feet), for which the drawings and patterns are all prepared, and which, according to our recent consultation and decision, will be

framed in the shops of the company at Tallahassee, transported to the Suwannee River, and put up without delay. In relation to the time of completion I would further say that, cut off as we are by the blockade from the possibility of getting iron from Savannah to Fernandina by water, that portion of the connection in the State of Georgia would have to be laid first, thus giving us an abundance of time to prepare our portion of the work and even to bed the cross-ties. The amount of iron required to lay our portion of the road would be about 1,500 to 1,600 tons at seventy tons per mile. This could be laid, if required, in one month. The preparation of the road bed for the iron will about exhaust the now crippled resources of the company, cut off as they are by the blockade from their usual revenue from the transportation of cotton to the coast. Upon the military necessity of the work there can be no difference of opinion. Its point of divergence from our system of roads is nearly midway between the Apalachicola and Fernandina, on the Atlantic Coast, making both east and west equally accessible by rail, and giving us a direct communication with Savannah and all the Northern routes from which Florida has heretofore been cut off. In point of economy I believe it will also be advantageous to the Confederacy. As things are now, a line of wagons will have to be established by Government between the nearest point on the Savannah, Albany and Gulf Railroad and Monticello, in this State, a distance of about twenty miles, and although the first outlay will not be so great, still in the end the balance will undoubtedly be in favor of ironing the Georgia connection. In conveying troops to a threatened point on the coast the railroad might save millions, while the delay in marching twenty miles across the border would be disastrous. I therefore think in petitioning Government for aid in this matter you are only doing the Confederate cause justice in the State of Florida in forwarding the railroad interests of which State you have already done so much. With the hope that the petition may be successful I respectfully submit the above.

C. H. LATROBE,
Chief Engineer.

Act of the General Assembly of South Carolina.

AN ACT to amend and suspend certain portions of the militia and patrol laws of this State.

I. *Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same,* That all free white males between the ages of sixteen and sixty shall be liable to perform ordinary military duty during the existence of the war between the Confederate States and the United States of America, except the persons exempt from all militia service.

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Passed December 7, 1861.

[DECEMBER 9, 1861.—For Milton to Davis, in relation to military affairs in Florida, see Series I, Vol. VI, p. 341.]

RALEIGH, N. C., *December 9, 1861.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

SIR: As the organ of the convention of the State of North Carolina I have the high satisfaction of transmitting to you a series of resolutions unanimously passed by that body.* In performing this duty I take great pleasure in assuring you that, from unmistakable indications of public opinion derived through the most reliable channels, the people of North Carolina, with unsurpassed and, I think I may add, unequaled unanimity, cordially concur in the sentiments of the resolutions. It is with no less pleasure I add that they feel a pride in having a Chief Magistrate in whom they can repose entire confidence, and upon whose official fidelity and eminent statesmanship and ardent devotion to the cause of our young Republic they confidently rely to conduct them safely through the trying periods of the momentous crisis now upon them, and that they will cheerfully yield up all they have and all they are in support of your patriotic efforts in the cause of constitutional liberty.

Accept, if you please, assurances of my profound respect, and of the high consideration with which I am, your obedient servant,

W. N. EDWARDS,
Chairman of the Convention.

AN ACT for the admission of the State of Kentucky into the Confederate States of America as a member thereof.

The Congress of the Confederate States of America do enact, That the State of Kentucky be, and is hereby, admitted a member of the Confederate States of America, on an equal footing with the other States of this Confederacy.

Approved December 10, 1861.

AN ACT to authorize the appointment of chief buglers and principal musicians to regiments in the Provisional Army.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to appoint a chief bugler or principal musician, according to corps, to each regiment in the Provisional Army.

Approved December 10, 1861.

AN ACT to authorize the Secretary of War to appoint an assistant.

The Congress of the Confederate States of America do enact, That the Secretary of War be, and he is hereby, authorized and empowered to appoint an assistant, who shall be known as the Assistant Secretary of War, who shall perform such duties as may be assigned him by the Secretary, and receive as compensation for his services $3,000 per annum.

Approved December 10, 1861.

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* See p. 776.

NASSAU, NEW PROVIDENCE, *December 10, 1861.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond:

DEAR SIR: I have just arrived here in distress. Twenty-four hours after leaving Charleston we encountered heavy weather, which increased to a gale, and during forty-eight hours we battled for life inch by inch, expecting every moment to go to the bottom. The water in the hold was up to our ash-pans. It was a terrible time and we had all given up ourselves as lost. The captain, engineers, and crew behaved nobly. The forward works were stove in, but the hull has suffered no injury, at least I hope so. Probably the lower tier of cotton is damaged. She will have to be recalked and examined. A portion of her guards will have to be cut off; indeed, we ought never to have gone to sea with the guards. It is altogether too dangerous at this time of the year. This will cause a detention here of several days and an expenditure, including coal, of probably $900 to $1,000. I ascertained an hour after my arrival that a British dispatch-boat was to leave for Havana during the day, and, through the influence of Mr. Adderly, the Governor has allowed the captain of the vessel to give me a passage. I intend, therefore, to leave immediately, and arrange with Mr. Helm so that there may be no unnecessary delay in getting cargo at Cardenas. I trust you will approve of this. If the cotton, or rather a small portion of it, is only slightly wet, I have told the captain to bring it all on to Cardenas. If some of the bales should be badly damaged they may as well be disposed of here. This letter goes by the Gladiator, Captain Bird, who I hope to God will run the blockade safely. Her cargo is immensely valuable, but you will know all about this. Captain Bird was instructed to meet Helm here and was greatly disappointed in not finding him. As it would not do for the steamer to remain here for any length of time, the captain has concluded to go to-morrow, taking with him as pilot Mr. Lockwood, a brother of our captain, who came out on the Isabel. Rather than that he should have failed in getting the right man I would have given up my captain, for the cargo of the Gladiator is worth ten Theodoras. The affair of the Trent, I find, creates a universal feeling of indignation among the Britishers. I heard an officer say that if Government did not resent it becomingly he would forever renounce his title as Englishman.

Remember me kindly to Lieutenant Martin and to Messrs. Kenner and De Clouet, and believe me, very respectfully, your obedient servant,

L. HEYLIGER.

AN ACT to facilitate and complete the admission of Kentucky into the Confederate States of America.

In pursuance of sections 8 and 9 of the constitution of the provisional government of the State of Kentucky, which empower and direct the Governor and Council to form a treaty for the earliest practicable admission of said State of Kentucky "as one of the Confederate States of America," upon an equal footing in all respects with the other States of said Confederacy, and for the purpose of

facilitating and completing the admission of Kentucky as one of the said Confederate States—

It is hereby enacted by the Council of the provisional government of the State of Kentucky, That the Provisional Constitution of the Confederate States of America, and all laws passed by the Provisional Congress of said States, and the permanent Constitution of said Confederate States, are hereby declared to be, and now are and hereafter shall be, the supreme laws of the State of Kentucky until the same may be repealed, altered, or abolished by the authority of said Confederate States and in accordance with the said provisional and permanent Constitution of said Confederate States.

SEC. 2. It shall be the duty of the Governor to transmit immediately a copy of this act to our commissioners at Richmond, to be by them laid before the President and Congress of the Confederate States of America.

Approved December 10, 1861.

RICHMOND, *December 11, 1861.*

HON. J. P. BENJAMIN,
Secretary of War:

SIR: I respectfully submit for your consideration that serious and almost insuperable difficulties embarrass this department in regard to the payment of the militia now in the service of the Confederate States. The act of Congress provides that whenever the militia are called and received into the service they shall have the same organization and receive the same pay and allowances as may be provided for the Regular Army. The Army Regulations direct that troops shall be paid on muster and pay rolls, and the general instructions from the Department of War prescribe that they shall be paid from the time they are mustered into service or placed under orders from the Department. The embarrassments to which I have referred arise from the fact that in many instances regiments, battalions, and companies of militia are in service in Virginia, the numbers of which, respectively, in rank and file, fall far below the minimum standard prescribed by the law of Congress and also the militia law of Virginia. There are accordingly full complements of officers—field, staff, and company—in the service and demanding pay according to their respective ranks, whose commands are very far below the legal standard. Instances have informally been communicated to this department where the rank and file of regiments of militia in service do not exceed the complement of a full company, and one case has been mentioned where a company with its full number of commissioned officers had but a single private on duty. I submit that it will be indispensable to the proper and efficient action of the pay officers of this department that measures be taken to have the militia force now in service regularly mustered in, so that its organization may correspond with that of other troops, and I suggest for your consideration that previous to any further payment to be made to the militia the officers of the C. S. Army under whose command they may be serving be instructed to effect such organization.

A. C. MYERS,
Acting Quartermaster-General.

OFFICE OF THE SOUTHWESTERN TELEGRAPH COMPANY,
LATE NEW ORLEANS AND OHIO TELEGRAPH, LESSEES,
Nashville, Tenn., December 11, 1861.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va.:

SIR: The Southwestern Telegraph Company, which I represent, owns telegraph lines from Louisville, Ky., through Tennessee, North Alabama, Mississippi, and Louisiana to New Orleans, with branch lines reaching all important points in those States. Merchants and business men of New Orleans will bear testimony to the efficiency of our lines, which for construction and reliability are not excelled by any on the continent. Apprehending interruption between New Orleans and Mobile, we promptly constructed a first-class line from Jackson, Miss., to Meridian, on the Southern Railroad, where it connects with the Mobile and Ohio Railroad, having already two first-class lines from Jackson to New Orleans, one by railroad and the other by Vicksburg, Natchez, and Baton Rouge. We also have a first-class line from Chattanooga to New Orleans, and are prepared to transmit without delay all public and private messages to any points in the States named. The acting president of our company, finding that no line had yet been constructed from Mobile to Meridian to meet our line, contracted last week with the Mobile and Ohio Railroad Company to build a line on their entire road, the section from Mobile to Meridian to be put up at once, and we are rapidly pushing it to completion. We understand that application has been or will be made by other parties for orders from your Department to construct other lines alongside our lines from Meridian by Jackson to New Orleans under pretense that they are required for public service. If such application should be made, we hope you will not so order without advising us, as such applications must be based on misrepresentation, for the purpose of building up rival lines when they are not wanted for public or private business. We are sure you will not lend the sanction of your high name and office to such purpose. We are just putting into operation in this city a factory for making wire, and will lend all our energies, as good and loyal citizens, to the prompt construction of any telegraph lines that you may require for public service. We have heretofore communicated with the Hon. J. H. Reagan, Postmaster-General, on this subject and other matters relating to telegraphing.

With great respect, I have the honor to be, your obedient servant,

THOS. L. CARTER,
Secretary Southwestern Telegraph Company.

P. S.—I have the pleasure of inclosing a note from Governor Harris.

[Inclosure.]

EXECUTIVE DEPARTMENT,
Nashville, Tenn., December 11, 1861.

Hon. J. P. BENJAMIN:

SIR: I state with pleasure that an extensive business intercourse with the Southwestern Telegraph Company has fully satisfied me that the company is efficient and reliable.

Very respectfully,

ISHAM G. HARRIS.

NASSAU, NEW PROVIDENCE, *December 11, 1861.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va.:

DEAR SIR: After all, the British dispatch vessel is not going to Havana, but I may succeed in getting a passage on a British man-of-war, to leave in the course of an hour or two. After writing yesterday I found that the Theodora had sustained more injury than we imagined. She leaked so badly that we had to haul her into shore so as to be able at low water to get her bottom comparatively bare and ascertain the damage. I grieve to say that the prospect of putting cargo into her is very faint; indeed, it will be fortunate if we can get her home safely. After completing such repairs as are absolutely necessary Captain Lockwood will return to Charleston. There are no ways or dry docks here, otherwise we might possibly put her in condition to go to Cardenas, but under present circumstances deem it out of the question to attempt the voyage. Indeed, as it is, there are symptoms of unwillingness on the part of the crew to go in her. We have, of course, been compelled to discharge the cotton, a portion of which is damaged. If too much so, I shall have to sell it for what it will bring. The remainder I am inclined to dispose of at not less than 20 cents, though this is a poor place to get a buyer. If I can do no better I shall ship it under advances to Fraser, Trenholm & Co., Liverpool. The repairs to the Theodora will have to be met out of the proceeds. I feel that my instructions require me to go to Cuba and see Mr. Helm. He must be apprised of the accident to the Theodora, and I shall hand him the remittance of £3,000 and consult with him as to the best mode of turning the funds to good account.

An idea struck me that under the circumstances I would, perhaps, be justified in retaining the exchange and bringing it home, but I do not feel at liberty to assume such responsibility, the more so as Mr. Helm is the accredited agent of the Government. Captain Bird, of the Gladiator, is also in a quandary. He intended going out to-morrow, but a Yankee gun-boat has just arrived, and as he imagines, has come expressly for him. He is extremely anxious to see Mr. Helm and get definite orders from him, his instructions being to that effect, and that he would find Helm at Nassau. Captain Bird has asked my advice in the matter, but I replied that I was entirely incompetent to decide. I told him how extremely anxious we were to get the arms, but that would hardly warrant him to assume an extravagant or extraordinary risk. Of course the running of the blockade was the risk he had to take; but there were various degrees of risk to be considered, especially with reference to the magnitude of the interests that might be placed in jeopardy by a too precipitate or too timid action. If I could have been justified in assuming control I should have ordered him off on the evening of my arrival. As long as the Yankee vessel is in port the captain will not venture out, and if she leaves he is afraid it will only be for the purpose of enticing him out so as to make the capture. The Gladiator is not fast; you cannot get over nine knots out of her under the most favorable juncture. It is so obvious to me that the captain is reluctant to decide for himself that this constitutes an additional inducement for my going immediately to see Helm. I have instructed Captain Lockwood to proceed with the Theodora's repairs and return as speedily as possible. We must at least make the effort to save the vessel, for by proper strengthening and cutting off her guards she may be made very valuable. She

may require a little ballast aft, and I have authorized Captain Lockwood to put in what he chooses, but not more than a few tons. The chances are that anything of value will certainly be damaged. You may imagine how deeply I regret these mishaps, but they were unavoidable. It was a miracle that I was ever reserved to tell the tale.

Respectfully, your obedient servant,

L. HEYLIGER.

[DECEMBER 11, 1861.—For Bragg to Benjamin, in relation to the re-organization of troops for the war, see Series I, Vol. VI, p. 778.]

EXECUTIVE DEPARTMENT,
Richmond, December 12, 1861.

TO THE CONGRESS OF THE CONFEDERATE STATES:

I submit for your constitutional action treaties recently made with the Chickasaw and Choctaw, Creek, Seminole, and Cherokee tribes of Indians.* In pursuance of a resolution passed by Congress the 5th day of March, 1861, I appointed Albert Pike, a citizen of Arkansas, commissioner of this Government to all the Indian tribes west of Arkansas and south of Kansas. His powers and duties were not defined in that resolution, but on the 21st of May, 1861, Congress passed "An act for the protection of certain Indian tribes," by which the general policy of Congress in reference to those tribes was more fully declared. Considering this act as a declaration by Congress of our future policy in relation to those Indians, a copy of that act was transmitted to the commissioner and he was directed to consider it as his instructions in the contemplated negotiation.

The general policy of that act is the basis of the treaties herewith submitted; but in relation to pecuniary obligations there is a material departure, which will be more fully referred to in its appropriate connection. The general provisions of all the treaties are similar, and in each the Confederate States assume the guardianship over the tribe and become responsible for all the obligations to the Indians imposed by former treaties on the Government of the United States. Important modifications are proposed in favor of the respective local governments of these Indians, to which your special attention is invited. That their advancement in civilization justified an enlargement of their power in that regard will scarcely admit of a doubt; but whether the proposed concessions in favor of their local governments are within the bounds of a wise policy may well claim your serious consideration. In this connection your attention is specially invited to the clauses giving to certain tribes the unqualified right of admission as a State into the compact of the Confederacy, and in the meantime allowing each of these tribes to have a delegate in Congress. These provisions are regarded not only as impolitic but unconstitutional, it not being within the limits of the treaty-making power to admit a State or to control the House of Representatives in the matter of admission to its privileges. I recommend that the former provision be rejected, and that the latter be so modified as to leave the question to the future action of Congress; and also do recommend the rejection

* Herein published under their respective dates.

of those articles in the treaties which confer upon Indians the right to testify in the State courts, believing that the States have the power to decide that question, each for itself, independently of any action of the Confederate Government.

The pecuniary obligations of these treaties are of great importance. Apart from the annuities secured to them by former treaties, and which we are to assume by those now submitted, these tribes have large permanent funds in the hands of the Government of the United States as their trustee. These funds may be divided into three classes: First. Money which the Government of the United States stipulated to invest in its own stocks or stocks of the States, and which has been partly invested in its own stocks and partly uninvested, remains in its Treasury, but upon which it is bound to pay interest. Second. Funds invested in the stocks of States not members of this Confederacy. Third. Money invested in stocks of States now members of this Confederacy. These three classes include all the important pecuniary obligations involved in these treaties, except interest collected by the Federal Government and not paid over to the Indians and arrearage of annual payments due under existing treaties; to which exceptions a further notice will be given. By the treaties now submitted to you the first and second class are absolutely assumed by this Government; but this Government only undertakes as trustee to collect the third class from the States which owe the money and pay over the amounts to the Indians when collected. It is fortunate for the Indians and ourselves that the amounts embraced in classes one and two are relatively small, and the obligations incurred by their assumption cannot be onerous, as the amount due by States of the Confederacy on account of investments in the funds of Northern Indians considerably exceeds the amount to be assumed under this provision of the treaties. We thereby have the means to compel the Government of the United States to do justice to the Indians within the jurisdiction of the Confederate States, or to indemnify ourselves for its breach of faith.

By the treaty with the Cherokees we undertake to advance $150,000, and the interest of $50,000 for educational purposes on what are known as the Cherokee neutral lands, lying between the State of Kansas and the Cherokee Territory, for which the Indians paid the United States Government $500,000, and which lands we guarantee to the Indians against the hazard of being lost by the fortune of war or ceded by treaty of peace. I herewith submit to you estimates of the entire pecuniary obligations assumed by these treaties, in tabular exhibits A and B.* They are generally stated with great minuteness in the treaties, but I have caused them to be abstracted and put in tabular form for more convenient reference. I also submit to you the report* of Albert Pike, the commissioner, which contains a history of his negotiations and submits his reasons for a departure from his instructions in relation to the pecuniary obligations to be incurred. In view of the circumstances by which we are surrounded, the great importance of preserving peace with the Indians on the frontier of Texas, Arkansas, and Missouri, and, not least, because of the spirit these tribes have manifested in making common cause with us in the war now existing, I recommend the assumption of the stipulated pecuniary obligations, and, with the modifications herein suggested, that the treaties submitted be ratified.

JEFFERSON DAVIS.

*Not found.

GENERAL ORDERS, No. 20. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, December 12, 1861.*

The attention of officers commanding troops is called to General Orders, No. 17, Adjutant and Inspector General's Office, November 7, 1861. The numerous cases presenting themselves in Richmond without other evidence of discharge than a few lines, in manuscript, merely stating that fact, entails great distress upon the discharged, from absence of proper papers securing payment of their dues, and great embarrassment to the Quartermaster's Department, striving to do justice to the Government and soldier. Humanity and justice to the soldier demand from company commanders the papers necessary to secure to the soldier his rights, both in cases of discharge and when detached from his company. It is therefore earnestly enjoined upon regimental and battalion commanders, in every instance of discharge, to see that "final statements" accompany the "discharge," filled out for his signature, before signing the latter, and where men are detached, from sickness or other causes likely to occasion long absence from their companies, that descriptive rolls be furnished. Failure in compliance with the foregoing requirements will be promptly reported to brigade commanders and made the subject of investigation and, if necessary, of a court-martial.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 12, 1861.

G. B. LAMAR, Esq.,
Savannah, Ga.:

SIR: In further reply to your letter of 2d instant I am enabled to inform you, upon information derived directly from the Commissary-General, that you are mistaken in regard to the extravagant prices alleged to be paid for coffee by the commissaries in the Confederate service. The highest price yet paid has been 41 cents, and the extreme limit has been fixed at 45 cents. I am also assured by the Commissary-General that the purchases of our commissaries are conducted with a strict regard to economy, and that the reckless purchasing to which you refer, however much it may be chargeable to others, has not been made by the C. S. Commissary Department.

I am, respectfully,

J. P. BENJAMIN,
Secretary of War.

P. S.—If you know any fact not consistent with the foregoing statement, please inform me specifically.

Yours, very truly,

J. P. BENJAMIN.

[DECEMBER 12, 1861.—For correspondence between Milton and Trapier, in relation to organizing Florida troops for the Confederate service, see Series I, Vol. LIII, p. 212.]

MILLEDGEVILLE, *December 13, 1861.*

Hon. J. P. BENJAMIN,
Secretary of War:

Georgia has several thousand State troops mustered into her service for six months, organized into a division, brigades, regiments, battalions, and companies. Many of the companies consist of less than sixty men, including officers. Will you accept them for local service as organized, if tendered? If you will not, appropriation will be made for their future support by the State. If not, the State must provide for their support [*sic*]. Please answer immediately.

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 14, 1861.

Hon. HOWELL COBB,
President of the Congress:

I have the honor to submit herewith, in compliance with the resolution passed by Congress on the 10th instant, a statement of the number of troops now in service enlisted for the war and of the States from which they have volunteered. I beg to say that there are a few more regiments, doubtless, that have been mustered in for the war at distant points, the returns of which have not yet reached the Department, that would make the whole number equivalent to about 115 regiments.

Very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

[Inclosure.]

Statement of the number of troops now in the service enlisted for the war and of the States from which they have volunteered.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, December 13, 1861.

ALABAMA.

8th Infantry, Col. John A. Winston.
9th Infantry, Col. Samuel Henry.
10th Infantry, Col. John H. Forney.
11th Infantry, Col. Sydenham Moore.
12th Infantry, Col. R. T. Jones.
13th Infantry, Col. B. D. Fry.
14th Infantry, Col. Thomas J. Judge.
15th Infantry, Col. James Cantey.
16th Infantry, Col. W. B. Wood.
17th Infantry, Col. Thomas H. Watts.
18th Infantry, Col. E. C. Bullock.
19th Infantry, Col. Joseph Wheeler.
20th Infantry, Col. Isham W. Garrott.
22d Infantry, Col. Z. C. Deas.
23d Infantry, Col. F. K. Beck.
1st Infantry Battalion (five companies), Lieut. Col. J. Q. Loomis.
3d Infantry Battalion (seven companies), Maj. W. R. Smith.
4th Infantry Battalion (seven companies), Lieut. Col. J. F. Conoley.
5th Infantry Battalion (seven companies), Lieut. Col. Nich. Davis.
1st Artillery Battalion (six companies), Maj. James T. Gee.

ARKANSAS.

2d Infantry, Col. J. W. Scaife.
3d Infantry, Col. Albert Rust.
1st Infantry Battalion (eight companies), Lieut. Col. J. S. Marmaduke.
1st Cavalry Battalion (four companies), Maj. Charles W. Phifer.

FLORIDA.

1st Battalion (six companies), Lieut. Col. W. G. M. Davis.

GEORGIA.

1st Infantry, Col. C. J. Williams.
6th Infantry, Col. A. H. Colquitt.
8th Infantry, Col. T. L. Cooper.
9th Infantry, Col. E. R. Goulding.
10th Infantry, Col. A. Cumming.
11th Infantry, Col. G. T. Anderson.
12th Infantry, Col. Edward Johnson.
13th Infantry, Col. Walton Ector.
14th Infantry, Col. A. V. Brumby.
15th Infantry, Col. T. W. Thomas.
16th Infantry, Col. Howell Cobb.
17th Infantry, Col. H. L. Benning.
18th Infantry, Col. W. T. Wofford.
19th Infantry, Col. W. W. Boyd.
20th Infantry, Col. W. D. Smith.
21st Infantry, Col. John T. Mercer.
22d Infantry, Col. Robert H. Jones.
23d Infantry, Col. Thomas Hutcherson.
24th Infantry, Col. Robert McMillan.
27th Infantry, Col. Levi B. Smith.
28th Infantry, Col. T. J. Warthen.
35th Infantry, Col. E. L. Thomas.
38th Infantry, Col. A. R. Wright.
Georgia Legion (ten companies), Col. T. R. R. Cobb.
Phillips Legion (nine companies), Col. William Phillips.
3d Infantry Battalion (seven companies), Lieut. Col. M. A. Stovall.
4th Infantry Battalion (seven companies), Lieut. Col. W. H. Stiles, sr.
7th Battalion (seven companies), Lieut. Col. C. A. L. Lamar.

KENTUCKY.

2d Infantry, Col. R. W. Hanson.
3d Infantry, Col. A. P. Thompson.
4th Infantry, Col. R. P. Trabue.

LOUISIANA.

1st Infantry, Col. ——— ———. *a*
5th Infantry, Col. T. G. Hunt.
6th Infantry, Col. Isaac G. Seymour.
7th Infantry, Col. H. T. Hays.
8th Infantry, Col. H. B. Kelly.
10th Infantry, Col. M. Marigny.
11th Infantry, Col. S. F. Marks.
13th Infantry, Col. R. L. Gibson.
14th Infantry, Col. V. Sulakowski.
1st Infantry Battalion (six companies), Lieut. Col. N. H. Rightor.
2d Infantry Battalion (six companies), Maj. C. R. Wheat.
3d Infantry Battalion (eight companies), Lieut. Col. C. M. Bradford.
4th Infantry Battalion (five companies), Maj. G. C. Waddill.
5th Infantry Battalion (six companies), Lieut. Col. J. B. G. Kennedy.
1st Cavalry, Col. John S. Scott.
Washington Artillery (four companies), Maj. J. B. Walton.
1st Artillery, Col. Charles A. Fuller.

MARYLAND.

1st Infantry, Col. George H. Steuart.

MISSISSIPPI.

19th Infantry, Col. C. H. Mott.
20th Infantry, Col. D. R. Russell.
21st Infantry, Col. Benj. G. Humphreys.
22d Infantry, Col. D. W. C. Bonham.
24th Infantry, Col. W. F. Dowd.
25th Infantry, Col. John D. Martin.
2d Infantry Battalion (seven companies), Maj. John G. Taylor.
3d Infantry Battalion (seven companies), Maj. A. B. Hardcastle.
1st Mounted Regiment, Col. Wirt Adams.
Jeff. Davis Legion (six companies cavalry), Maj. W. T. Martin. *b*

NORTH CAROLINA.

1st Infantry, Col. M. S. Stokes.
2d Infantry, Col. Charles C. Tew.
3d Infantry, Col. G. Meares.
4th Infantry, Col. George B. Anderson.
5th Infantry, Col. D. K. McRae.
6th Infantry, Col. William D. Pender.
7th Infantry, Col. R. P. Campbell.
8th Infantry, Col. H. M. Shaw.
33d Infantry, Col. L. O'B. Branch.
9th Cavalry, Col. Robert Ransom, jr.
19th Cavalry, Col. Samuel B. Spruill.
10th Artillery, Col. J. A. J. Bradford.

a Part for the war.

b Only two companies from Mississippi.

SOUTH CAROLINA.

1st Infantry, Col. Maxcy Gregg.
12th Infantry, Col. R. G. M. Dunovant.
13th Infantry, Col. O. E. Edwards.
14th Infantry, Col. James Jones.
15th Infantry, Col. W. D. De Saussure.
1st Rifles, Col. James L. Orr.
1st Cavalry Battalion (five companies), Lieut. Col. John L. Black.
Palmetto Artillery (three companies), Maj. E. B. White.

TENNESSEE.

34th Infantry, Col. W. M. Churchwell. *a*
38th Infantry, Col. R. F. Looney.
39th Infantry, Col. W. T. Avery.
40th Infantry, Col. L. M. Walker. *a*

TEXAS.

1st Infantry, Col. Hugh McLeod. *a*
4th Infantry, Col. John B. Hood.
5th Infantry, Col. J. J. Archer.
7th Infantry, Col. John Gregg.
4th Cavalry, Col. James Reily.
5th Cavalry, Col. Thomas Green.
7th Cavalry, Col. William Steele.
8th Cavalry, Col. B. F. Terry.

VIRGINIA.

1st Battalion (four companies), Maj. J. D. Munford.

Independent companies (artillery and others) not organized into regiments or battalions, 30.

RECAPITULATION.

Alabama, 15 regiments, 5 battalions; aggregate, 182 companies.
Arkansas, 2 regiments, 2 battalions; aggregate, 32 companies.
Florida, 1 battalion; aggregate, 6 companies.
Georgia, 23 regiments, 2 legions, 3 battalions; aggregate, 270 companies.
Kentucky, 3 regiments; aggregate, 30 companies.
Louisiana, 11 regiments, 6 battalions; aggregate, 145 companies.
Maryland, 1 regiment; aggregate, 10 companies.
Mississippi, 7 regiments, 3 battalions; aggregate, 90 companies.
North Carolina, 12 regiments; aggregate, 120 companies.
South Carolina, 6 regiments, 2 battalions; aggregate, 68 companies.
Tennessee, 4 regiments; aggregate, 40 companies.
Texas, 8 regiments; aggregate, 80 companies.
Virginia, 1 battalion; aggregate, 4 companies.
Independent companies (artillery and others), 30.
Total, 92 regiments, 2 legions, 23 battalions; aggregate, 1,107 companies; aggregate in regiments, $110\frac{7}{10}$.

S. COOPER,
Adjutant and Inspector General.

A RESOLUTION to make an advance to the State of South Carolina on account of her claims against the Confederate States.

The Congress of the Confederate States of America do resolve, That the sum of $250,000 be, and is hereby, appropriated, as an advance on account of any claims of the State of South Carolina upon the Confederate States; and that the same be paid to such person as may be authorized by the Legislature of South Carolina to receive the same.

Approved December 14, 1861.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December [14?], 1861.

The PRESIDENT:

SIR: My report of the operations of this Department and of the armies in the field must necessarily be very imperfect. My experience

a Part for the war and part for twelve months.

has been too brief to permit a thorough mastery of all the details of so vast and complicated an organization as that now presented by this Department. I can only refer to the principal occurrences requiring the special notice of the Congress, and suggest some difficulties and embarrassments of administration that can only be remedied by the legislative power.

First. Since the adjournment of Congress official reports have been received disclosing the gratifying fact that the population of Arizona is almost unanimously desirous of the annexation of that Territory to the Confederate States.

The U. S. troops there, routed and put to flight by the expedition under the command of Lieut. Col. John R. Baylor, had at one time abandoned the country. Under these circumstances Colonel Baylor, after satisfying himself of the wishes of the inhabitants, proceeded upon his own responsibility to assume the military government of the Territory of Arizona. He issued a proclamation extending the limits of the Territory to latitude 36° 30′ north; thence due west to the Colorado, and down that stream to its mouth. He also raised several companies of infantry, furnished by the people, who readily volunteered in our service; placed the inhabitants in this manner under military protection, and established a government closely resembling in form that which was found to work so satisfactorily when the United States made conquest of California.

All the proceedings of Lieutenant-Colonel Baylor appear to have been marked by prudence, energy, and sagacity, and to be deserving of high praise. The result of his action has been the securing to the Confederacy of a portion of the territory formerly common to all the States but now forming a natural appendage to our Confederate States, opening a pathway to the Pacific and guaranteeing Western Texas from the dangers incident to allowing the Indian tribes in that extensive territory to remain under foreign influence. The report herewith presented, marked A,* gives a satisfactory statement of the proceedings of Colonel Baylor. Since his success in expelling the Federal troops and taking peaceful possession of the Territory an effort has been made by the United States to disturb the tranquillity of the inhabitants by sending in a force of about 2,500 men, under Colonel Canby, who at the last advices was marching toward the headquarters of Colonel Baylor at Doña Aña. This movement had, however, been anticipated, and General Sibley, to whom that military department has been confided, had already sent forward two regiments to the support of Colonel Baylor, and was on the eve of following them himself with a third. There is no doubt that the entire force of General Sibley must already have arrived within supporting distance of Colonel Baylor's command, and full confidence was entertained by our leaders that they will be able to drive the invading forces out of our territory. The letters of General Sibley of November 8 and 16 are appended for the further information of Congress.†

In organizing a more permanent Territorial government for Arizona, with its present expanded boundaries, I beg to suggest that the population is of so mixed a character, and the number of inhabitants educated in representative institutions is so limited, that it would scarcely be practicable to maintain social order and insure the execution of the laws by an elective government. Some system analogous

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*See Series I, Vol. IV, pp. 16–22.

†That of November 8 not found. For November 16, see Series I, Vol. IV, p. 141.

in its nature to that adopted for the government of the Orleans Territory by the act of March 26, 1804, seems to be much better adapted, at least for the present, to this Territory; and its extent of surface is so great that Congress may, perhaps, deem it proper further to imitate the example set in the act above recited by dividing it into two governments.

Second. At the first session of the Congress an act was passed providing for the sending of a commissioner to the Indian tribes north of Texas and west of Arkansas, with the view of making such arrangements for an alliance with and the protection of the Indians as were rendered necessary by the disruption of the Union and our natural succession to the rights and duties of the United States, so far as these Indians were concerned. The supervision of this important branch of administrative duty was confided to the State Department, by which Brig. Gen. Albert Pike was selected as commissioner. At a later period of the same session a Bureau of Indian Affairs was created by law and attached to this Department, charged with the management of our relations with the Indian tribes. The correspondence of this Department and the report of General Pike exhibit full proof of the zeal, energy, and fidelity with which he conducted his arduous mission and the success with which it was crowned. He has made treaties with the entire Indian population of the Territory in question; has secured their alliance; has enlisted several regiments of their warriors in our service, and has shown a rare and admirable combination of the qualities chiefly required for success in such a mission, namely, sympathy and friendship for the Indians, blended with devotion to the interests of his Government. These treaties, coupled with the report of General Pike, will form the subject of a special communication to Congress, and I now submit only the report of the head of the bureau in this Department, containing a succinct narrative of the entire administration of Indian affairs from the establishment of the bureau to the present date.

Third. The operations of the Army since the adjournment of Congress, on August 31, afford renewed cause of congratulation, of gratitude to Divine Providence, and of admiration for the gallant defenders of our righteous cause. Successful in a large number of minor engagements, signal victories have crowned their arms at Leesburg and Belmont. I regret that, for some unexplained reason, the report of the former of these two brilliant achievements has not yet reached the Department, but I append full reports of the latter.* You will also find annexed reports of the less important, though not less gallant and meritorious, affairs at Lewinsville, under command of Colonel (now Brigadier-General) Stuart;† and at Piketon, of Captains May, Thomas, Hawkins, and Clay, of Colonel Williams' command.‡ The decisive repulses of the enemy in his attacks on the forces at Greenbrier River, under Brig. Gen. Henry R. Jackson, and on the army of General Floyd at Carnifix Ferry, merit conspicuous mention, while the more recent lesson administered to the insolent invaders of our soil by Major-General Bragg and his brave army at Pensacola affords ample evidence of the power of well-served and properly protected batteries to resist successfully the attack of the most formidable vessels of the hostile Navy.

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*See Series I, Vol. III, pp. 304–364. See also Series I, Vol. V, pp. 347–368, for reports of Leesburg or Ball's Bluff.

†See Series I, Vol. V, pp. 180–184.

‡See Series I, Vol. IV, pp. 227–230.

The engrossing labors of the Department deprive me of the coveted pleasure of dwelling in detail on all these evidences of the valor of our troops and the skill and gallantry of their commanders. It is impossible, however, not to call special attention to the battle of Belmont as affording a splendid example of the qualities of both officers and men. Let the reports be read, and all will concur in the simple and emphatic praise of the commander-in-chief of the Western Department when he pronounces the work well done. Its telling effects are still visible upon the enemy, and the names of Polk, Pillow, Cheatham, and McCown will remain identified with its history and will recur to the memory of men whenever mention shall be made of the battle of Belmont. I deeply regret that I am not able to give greater prominence in this report to the battle of Leesburg, one of the most important, as it certainly was the most decisive in its results, of the whole war. The terrible loss inflicted on the enemy, when compared with the numbers engaged, far exceeds that of any conflict since the commencement of hostilities, and I still hope that the transmission of the report to the Department prior to the adjournment of Congress may enable me to submit it to you in time to be communicated. You will also find annexed the reports of the engagement on Santa Rosa Island* and of the movements of our troops in the neighborhood of Cheat Mountain.†

The battle of Manassas, fought July 21, was not reported to the Department till nearly three months afterward, viz, on October 15, and belongs appropriately to the history of my predecessor's administration of this Department; and this last remark also applies to the battle of Oak Hills, fought August 10, the report of which arrived on the 26th of the same month, just before the adjournment of Congress. The reports of both these battles are appended,‡ and the history of these two eventful days, on which the large and well-appointed hosts of the foe were beaten back and put to rout by the unflinching courage of our volunteers, fighting for hearth and home, and liberty and independence, will remain imperishable monuments to the gallant generals whose names have already been honored by the unanimous expression of the thanks of Congress, and to the officers and soldiers who proved themselves well worthy of such leaders.

This series of triumphant engagements has been somewhat checkered by the result of the recent bombardment at Port Royal, of which also no official report has been received.§ It is, however, known that some earth-works, unprovided with casemates or shelter of any kind, proved inadequate to defend the entrance of the harbor against an attacking fleet, formidably armed with more than tenfold the number of heavy guns that were mounted in the batteries on shore. The enemy has consequently obtained possession of a cluster of sea islands on the coast of South Carolina which it is impossible to defend without the aid of vessels of war. The results of this occupation, however, are confined to the infliction of such partial losses and sufferings by non-combatants as are attendant on the predatory warfare in which our enemies specially delight, as most congenial to their tastes and least menacing to their safety. They have not yet ventured beyond the protection of the heavy guns of their vessels, while their hopes of

* See Series I, Vol. VI.

† See Series I, Vol. V, p. 191.

‡ For reports of Manassas see Series I, Vol. II, pp. 459–574, and Vol. LI, Part I, pp. 24–35. For Wilson's Creek or Oak Hills, see Series I, Vol. III, pp. 98–130, and Vol. LIII, pp. 422–434.

§ But see Series I, Vol. VI, pp. 6–29.

plunder have been disappointed by the heroic resolve of our unconquerable brethren of South Carolina, who have with their own hands applied the torch to everything susceptible of conversion into booty for the solace of the marauders.

Fourth. I am happy to inform you of the very marked improvement in the condition of our troops and the decided decrease in the number of the sick. Nothing has given to the Department greater concern, nor engaged more anxious care, than the provision for the comfort of the sick soldier; and although much has been done, very much still remains to be done for the amelioration of his condition. It is a grave error, however, to suppose that any regulations on this subject, however wise, prudent, and humane, can avail without the aid and co-operation of the commanders in the field. If colonels forget that they bear a parental relation toward their regiments and neglect the most obvious sanitary precautions; if medical officers abandon the care of the sick without fear of check or reproof from regimental commanders; if generals deem the supervision of the hospital arrangements and treatment of the sick a task too irksome to be endured, and if the commanders of armies execute military movements with entire disregard of the effects to be produced, whether on the sick or the well, no effort of the Department can avail to prevent great suffering and sacrifice of life. I have endeavored, by specific regulations for the care and transportation of the sick from camps to hospitals, by providing special trains for their accommodation, and by relaxing the rigor of the former rules in regard to furloughs and discharges on account of sickness, to diminish, as far as lay in my power, much of the suffering of our brave volunteers, and I append copies of these regulations for the information of Congress. Less, however, has been effected than I had hoped from the operation of these regulations. It seems almost impossible to obtain that regular, faithful, and systematic compliance with rules which can alone maintain the discipline and preserve the efficiency of large bodies of men, and I have been disappointed in more than one instance, where reliance had confidently been placed on the disposition of commanding generals to co-operate with the Department, in reforms urgently needed in the treatment of the sick. If other measures fail, I shall not shrink from the responsibility of reporting to you the names of officers, however high in command, who may, by disregard of their duty in this respect, prove themselves unworthy of the trust now reposed in them. It is proper before passing from this subject to observe that happy effects have already resulted from the general examination by medical boards of the surgical staff of the Army. Quite a number who had been appointed on the recommendation of the men themselves have proven unequal to the duties of their station; others were found incompetent from carelessness and neglect, while in some instances there was gross ignorance of the very elements of the profession. The efficiency of the corps has been greatly increased by the purgation it has undergone, and I think we may venture to hope that we have passed through the most trying ordeal of the war as relates to camp diseases. In the Army of the Potomac alone, with a considerable increase in its forces, there has been within the last sixty days a diminution of at least one-half in the number of the sick.

Fifth. I have already, in a separate paper, commented on the system of raising troops for short periods, and endeavored to point out the disastrous effects of such a course of policy. Persuaded as I

am of the vital necessity of adhering to the rule you had adopted on this subject from the very beginning of the war, I have steadily resisted all importunity to receive troops for a less period than three years or the war, unless they furnish their own arms. On first entering on the duties of the Department the tenders of troops were very large, and it was not at all unusual for me to refuse offers of 5,000 men per day. Very soon it was ascertained throughout the country that the War Department could not be importuned into receiving unarmed men for twelve months, and the impetuous ardor of our people to rush to the defense of their liberties induced tenders of troops for the war. A number of such regiments had already been organized, more were in progress, and the policy of the Administration was on the eve of being crowned with entire success, when it was embarrassed and impeded by a very unexpected cause. In several of the States the Governors, apprehensive of attack at home, and actuated by the natural desire of aiding in the defense of their own States, failed to perceive that the only effective means of attaining that end was by a concentration of the common strength under one head, and that an attempt by each State to make a separate defense against so powerful an enemy as that which we are now combating could result in nothing but the defeat of each in detail. In disregard of so obvious a truth several of the States undertook to raise independent armies to repel invasion, retained at home arms and munitions, and called for volunteers for home service for short terms, alluring them by proposals to arm and equip them and retain them solely for service within the State. The fatal effects of so short-sighted a policy became instantly apparent. Companies already organized and ready to be mustered into the Confederate service for the war marched out of their camps of rendezvous to enlist in State service for three, four, or six months, and State commissaries and quartermasters established themselves as rival purchasers at posts where Confederate officers were stationed, thus subserving the ends of speculators and stimulating their constantly increasing exactions. Confusion was also introduced into military operations; officers became doubtful as to their duties and positions; State and Confederate engineers and other officers were liable to be ordered each to perform the same duty by independent commanders, and nothing but inefficiency and disaster could be expected from such a system. It is, of course, not within the power of the Confederate Government, otherwise than by the weight of its counsels, to prevent such action as that to which I have just referred on the part of the several States, unwise and disastrous as may be its effects, but it is surely competent for the Congress to declare that no State can expect its expenditures on such objects to be reimbursed. The waste of money resulting from these short enlistments is enormous. The assertion is by no means extravagant that a long war conducted by six-months' volunteers would cost three times as much as the same war conducted by three-years' volunteers, without taking into consideration the great difference in the efficiency of each of these classes of troops after the lapse of the first six months. In the single item of transportation, which is a heavy burden on the Treasury, the cost for the former would be sixfold that of the latter. There is, therefore, no justice or propriety in imposing upon the Confederacy, which is conducting a common war at the common expense on sound principles, the burden of any expenditures created by separate States, which may deem proper to carry on an independent system of defense so expensive and so impolitic as that to which I have

alluded. The number of regiments now in the service for the war may be stated with sufficient accuracy at 115, and the number for twelve months at 275, making a total of about 390 regiments, to which are to be added the militia called out at different points, and the troops of our sister State of Missouri, not yet transferred, and of which no returns exist in the Department. In this estimate the troops raised by the different States are not included, and I have no means of arriving at any accurate conclusion in regard to their numbers. These are mostly enlisted for short periods, in no case exceeding twelve months.

Sixth. The Corps of Engineers of the Army is composed at present of only twelve officers, while fivefold that number are needed. No provision exists for the appointment of engineers in the Provisional Army. There is a large body of gentlemen educated for scientific pursuits, not military engineers by profession, but whose services it has been indispensable to secure for engineering purposes, and who now occupy in the Army the position of mere hired employés, without rank or authority as officers, and whose efficiency is consequently much impaired. In other cases they have been appointed to the lowest grade in the Regular Army, that of second lieutenant, and then assigned to engineer duties, with higher temporary rank, under the act of May 21, 1861, authorizing the President to confer such higher rank on officers of the Confederate Army for service with volunteer troops. In a word, various expedients have been used to supply this indispensable means of public defense and to obviate difficulties arising from deficient legislation, but the subject needs immediate attention, and I trust you will concur in my earnest recommendation that Congress authorize the appointment of at least fifty officers of engineers in the Provisional Army of rank not higher than that of captain.

Seventh. I was on the eve of concluding this paper when the official reports of the battle of Leesburg and the engagement at Pensacola were received, and they are herewith submitted.* In the battle of Leesburg our forces numbered in all 1,709 men, and were opposed to a force at Ball's Bluff amounting to five regiments and three pieces of artillery, while compelled at the same time to keep in check four regiments and a squadron of cavalry within supporting distance, at Edwards Ferry. In this unequal contest our whole loss was in killed and wounded 153, and 2 of our men were taken prisoners. The loss of the enemy, as far as known, was 1,300 killed, wounded, and drowned, and 710 prisoners, including among their killed General Baker and several other commissioned officers, and among the prisoners 22 commissioned officers; a total of loss inflicted on the enemy considerably in excess of the whole number of our troops engaged. Among the substantial fruits of this brilliant victory were 1,500 stand of arms, 3 pieces of cannon, 1 stand of colors, and a large quantity of accouterments and camp furniture.

The highest praise is due to Brig. Gen. N. G. Evans and to the brave men whose intrepid conduct was so signal as to make the mention of any one name almost unjust to others. Colonel Hunton, of the Eighth Virginia; Colonel Featherston, of the Seventeenth Mississippi; Colonel Barksdale, of the Thirteenth Mississippi; Colonel Burt, of the Eighteenth Mississippi, and Colonel Jenifer, of the cavalry, with their

* For reports of Leesburg, see Series I, Vol. V, pp. 347–368; and for operations at Pensacola, see Series I, Vol. VI.

different commands, alike distinguished themselves by their valor and good conduct; but the gallant Burt did not live to receive his reward in the gratitude and admiration of his country. He fell mortally wounded while gallantly leading his regiment to the charge in the face of a terrible fire about two hours before the final bayonet charge of our entire force drove the enemy headlong from the field.

The report of General Bragg gives the full history of the abortive attempt of the enemy to destroy Fort McRee, at the entrance of Pensacola Harbor, by a combined attack from Fort Pickens and two large naval steamers, supposed to be the Niagara and the Hartford. The weight of metal used in this tremendous bombardment was such as to shake the houses in Pensacola at a distance of ten miles and to cover the waters of the bay with fish stunned by the concussion. The heroic conduct of Colonel Villepigue, with his Georgians and Mississippians, while exposed for two days to this tempest of fire, and the coolness and self-possession of both officers and men, are graphically described in the narrative of their general, while the latter evidently forgets that any meed of praise is due to the chief whose high military qualities are thus reflected by those who have for long and weary months been so instructed by his counsels and so inspired by his example as to become the theme of his own admiration.

Our casualties during the entire engagement were 6 killed and 21 wounded. Of the former, five lost their lives by the falling of an ill-constructed magazine in one of the batteries. Among the latter was Colonel Villepigue, who, notwithstanding the pain of a very severe wound, not only persisted in retaining his command, but passed nearly the whole night in repairing the damage done to his work by the bombardment of the day. Your attention in reading the account of this battle will again be arrested by the renewed example of the barbarities, disgraceful even to savages, which characterize the warfare of the enemy. The name of Col. Harvey Brown must be remembered with execration, when it is known that without the slightest warning his opening fire was specially directed against the navy-yard, occupied, to his knowledge, by women, children, and non-combatants; and that on the evening of the second day he gave vent to his rage and mortification at the failure of his attack on Fort McRee by turning his guns first toward the hospital, over which the yellow flag was flying, and afterward upon the deserted dwellings of non-combatants in the villages of Warrington and Woolsey.

The damage done to the fort and navy-yard by this bombardment was insignificant, and two churches and some twenty humble habitations of poor laboring men and women deliberately fired and the hospital flag violated constitute the total exploits of Col. Harvey Brown. The damage done to the enemy by the return fire of our batteries is only conjectural. One of the naval steamers was evidently disabled, as she did not aid her consort in the renewed attack on the 23d, while the fire both of the fort and of the steamers that day was much slackened, and has not since been renewed. Just as I close this paper I receive a dispatch announcing the repulse of the enemy, 5,000 strong, by our forces, 1,200 in number, under Colonel Johnson, on the Greenbrier River, and hope in a few days to present you the official report.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

AN ACT to provide for the election of deputies to the Provisional Congress of the Confederate States of America.

SEC. 1. *Be it enacted by the Council of the provisional government of the State of Kentucky*, That said Council elect ten deputies to represent the State of Kentucky in the Provisional Congress of the Confederate States of America. Said deputies shall be bona fide citizens of the State of Kentucky, one of whom shall be chosen from each of the Federal Congressional districts of the State as it was last districted, and shall be a resident of the district for which he shall be chosen.

SEC. 2. The time of the election shall be fixed by resolution of the Council.

Approved December 14, 1861.

[DECEMBER 14, 1861.—For Benjamin to Brown, accepting six-months' men from Georgia for local defense, see Series I, Vol. LII, Part II, p. 237.]

NASSAU, NEW PROVIDENCE, *December 15, 1861.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond:

DEAR SIR: The Karnak is off the harbor and will leave in a few hours for Havana. As advised, I shall proceed thither and confer with Helm. It is very necessary that some determination be arrived at with regard to the Gladiator. I have not yet sold the cotton, but shall dispose of it finally on my return, which will be on or about the 23d. Bearing in mind the affair of the Trent, I have mailed the dispatches which I received from the State Department, together with the other papers, to my own address in Havana, so that if perchance the Karnak be boarded nothing will be found to compromise me. The Theodora can be made a valuable boat, provided she is thoroughly overhauled, her guards cut down, a mast put in, &c. This, I presume, could be done at an outlay of $500 or $600. Her engine is a very superior one. In her present condition she is not fit to go to sea. You must remember that when she took over our commissioners the sea was as smooth as glass. But you cannot look for such a favorable contingency in the winter and spring months. I think these repairs should be made forthwith and the boat sent back here or to some other point, where she might be rendered available in breaking bulk and transmitting portions of cargoes, such as may be diverted here. As in all probability I shall not be able to find the means of getting home for the next few weeks, it may be worth while to consider whether my services here cannot be made available in some shape similar to the aim you charged me with. I shall state the matter to Helm, who, by the bye, may not be able to leave Cuba. In exercising any discretion of the kind I shall be guided by a single desire to serve you. As it is, I am extremely anxious to return home, and after having discharged my business at Havana shall consider myself at liberty to do so, if I can find the opportunity. But it may be advisable to yield to other considerations, and in this I shall be greatly influenced by Helm's advice. The Theodora's accounts are not yet made up. I expect she will be able to get off the day after to-morrow.

Very respectfully, your obedient servant,

L. HEYLIGER.

A RESOLUTION appointing John D. Morris, of Kentucky, a receiver under the act of sequestration, approved August 30, 1861.

The Congress of the Confederate States of America do resolve, That John D. Morris, appointed by the government of Kentucky as their special commissioner to secure the co-operation of the Confederate States in the sequestration of the property, effects, and credits of certain banking corporations of the said State, be hereby clothed with the powers of a receiver, under the act for the sequestration of the property of alien enemies, approved thirtieth of August, eighteen hundred and sixty-one, throughout the Confederate States, and as such, he alone be authorized to ascertain, seize, and sequestrate the property, effects, and credits of all the banking corporations of the said State that may have made loans, or extended pecuniary aid to the United States, or the government of Kentucky, waging war against the Confederate States; and when so sequestrated, instead of paying the same into the Treasury of the Confederate States, shall account for and pay over the same, under his commission, to the government of Kentucky.

Approved December 16, 1861.

NASSAU, NEW PROVIDENCE, *December 16, 1861.*
(Via Wilmington 20th.)

J. P. BENJAMIN,
Secretary of War, Richmond:

We were compelled to enter here in distress in a sinking condition, utterly unable to accomplish the object of the voyage. Have put such repairs on the Theodora as will enable her, I hope, to reach port safely. She cannot carry cargo in her present state. The British steamer Gladiator is here with a very valuable cargo, but cannot get out owing to presence of a Yankee gun-boat. I have written fully. I leave by the Karnak in an hour from this for Havana to consult with Helm.

L. HEYLIGER.

NASSAU, NEW PROVIDENCE, *December 16, 1861.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond:

DEAR SIR: I leave by the Karnak in an hour from this, and shall return by her on the 21st, unless otherwise directed by Mr. Helm. The Yankee gun-boat is still in port and seems determined not to budge so long as the Gladiator remains. The Federal Government has endeavored to obtain leave to establish a coal station here, but thus far the permission has been refused, and through the influence of our friends will not, I believe, be acceded to. I do not think that the gun-boat has more than twenty-four hours' fuel on board. I shall aid Mr. Helm, to the best of my ability, in promoting the success of the Gladiator. If I had the requisite authority she would have been in a Confederate port before this. I was anxious to see her leave the day of my arrival and suggested the step, but not being able to follow it up by advice of a decisive character, the captain preferred to halt.

I am, very respectfully, your obedient servant,

L. HEYLIGER.

STEAM-SHIP GLADIATOR,
At Nassau, New Providence, December 16, 1861.

Hon. J. P. BENJAMIN,
Secretary of War, &c.:

SIR: In the absence here of any one more fully authorized I deem it my duty to make the following report to your Department: On the 4th ultimo, at the suggestion of Hon. A. D. Mann, I accepted the charge of the cargo of this vessel, which was then to have left on the 6th, but for some reason did not sail until the 10th. Before leaving Capt. C. Huse, Confederate agent, handed me very full and explicit instructions in reference to the landing and storing of the cargo, but gave me no control over the movements of the ship before reaching a Confederate port. The cargo, as you are doubtless aware, is very valuable, consisting of Enfield rifles, munitions, medicines, &c., costing in England, I was informed by Colonel M., something like $850,000. On the voyage out we encountered much rough weather and shipped some heavy seas, one of which carried away the forehatchway. I have, however, made several personal examinations of the cargo, so far as it was possible, and have the honor to report it apparently in good condition and the ship free from leakage.

We reached Teneriffe on the morning of the 22d of November, where the captain was ordered to take in sufficient additional coal to carry him across the Atlantic. He could only get forty tons, however, out of 100 he required, and this, too, only after a delay of two days. To this delay and failure to get coal must be in a great measure ascribed our being hemmed in here at present. We arrived here on the morning of the 9th instant. It was necessary, as I have just intimated, to take in coal to make up the deficiency of supply at Teneriffe. The captain's orders were to make the port, however, in any case, where Mr. Helm, the agent of your Department at Havana, was to meet us for the purpose of giving the latest information of the U. S. blockading vessels, to designate our port of entry, and to furnish us a pilot. We, however, found neither Mr. Helm, nor instructions or pilot. Fortunately, the Isabel (Ella Warley), from Charleston, was here, and Captain Bird succeeded in engaging their pilot. Two days were required to ship our coal, and before it was in the U. S. gun-boat Flambeau came into the harbor under circumstances that leave no doubt that she came expressly for us, and will in all probability wait to take us when we go out. Her officers have been heard to say that they shall not move an inch for the Theodora or Ella Warley, as the Gladiator is the one they came for and intend to have.

I am perfectly satisfied, and so is Captain Bird, that information of the sailing of this vessel (Gladiator) was transmitted from England to Washington. Captain Bird says the custom-house officers in London intimated to him their virtual knowledge of our destination and gave him friendly warning that several persons had been making a very critical examination of the custom-house books. The chief mate was told two or three days before we sailed, as a secret, that the Gladiator was to run the blockade. The second mate received similar information from another source, and two days before sailing two persons in a small boat were off broadsides in the stream for several hours, apparently engaged in making a careful sketch of her build, rig, &c. I was hardly surprised at this when I learned that her cargo was put in without the slightest disguise, the cases of muskets being so labeled in large, plain letters, the cartridges ditto, and the powder in the well-known ordinary packages of that article. Neither Mr. Scott, who was

to have carried the dispatches to Richmond, Mr. Fry, who takes this, nor myself, however, knew even the name of the vessel until the day she left. We were not surprised, therefore, to find the Flambeau so close upon us.

There are now two steamers here, and one fast sailing sloop belonging to Charleston. Were Mr. Helm or any one else here authorized to order it, the cargo of the Gladiator could be easily divided among those three vessels and our own, with a moral certainty that three out of the four would run the blockade. As it is we run into the very jaws of capture if we start alone, as our vessel is a craft of less than eight miles and a half average speed, and totally unprovided with cannon for defense. But Mr. Helm is not here. As our coming was announced to him by the letters which left London on the 2d of November and which must have reached him on the 22d, I fear that illness, capture, or other disability must have prevented his coming; and although we have written him from here urging him to come immediately, feel much doubt in reference to it.

Under these circumstances I have felt it my duty to send you this communication, and further, in view of the uncertainty of Mr. Helm's reaching here, the great value of the cargo, and the importance of its early and safe arrival, beg to suggest: First. The propriety of sending the Theodora, which carries this, back again for a part of our cargo. Second. That your Department send to myself or Captain Bird authority to divide the cargo of the Gladiator between the Ella Warley, Theodora, the schooner before spoken of, and herself. The steamers Theodora and Warley are both far swifter than the Gladiator, and the schooner, in a fair wind, not much slower. Thus divided, the fleet might run out in face of the gun-boat and endeavor to outstrip her, or depart singly. I am aware of the difficulty of changing cargo in a neutral port, but think it may be managed. Third. That the Theodora bring out a few cannon, by which she, the Isabel, and schooner can make fight. This, however, is only a casual suggestion. I have ventured also to inclose some suggestions for the loading, &c., of future cargoes from England for your Department. I hope you will excuse the liberty for the sake of the motive. Mr. Fry, the bearer of this, can give you any further needed information. I have the honor of bearing letters of introduction from Colonel Mann to members of the Cabinet, with memoranda of suggestions which he wished me to make to them verbally. I had the honor of an introduction to you in June last in Richmond, and am known to His Excellency Governor Letcher, ex-President Tyler, &c., in Richmond.

I have the honor to be, sir, your obedient servant,

D. T. BISBIE.

[Inclosure.]

SUGGESTIONS.

First. To purchase or charter no vessel whose former log-book, on actual trial, under all circumstances, does not show a speed of thirteen to fifteen miles average. Second. To make the amount of the charter or purchase money dependent in part on the success of the run, so as to make the owner or agent interested in maintaining that secrecy necessary to success. Third. That the steamer bought or chartered should, if possible, be taken out of some regular trade—as from London to Cadiz; that her cargo, if arms, &c., should be in disguised

packages directed to real persons at the place or places to which the steamer formerly ran (which names the parties shipping would, of course, know), and that the steamer load at her usual wharf or dock in her usual way, in such manner as to excite no attention, without a single soul around her knowing anything about the cargo or its destination, except the shipping agent or firm, who, as above suggested, would be interested in complete secrecy. Fourth. That powder, which is not allowed to be loaded in London, be placed on board some small vessel, directed to parties in some other port of England, France, &c., and quietly put on board the steamer at her first night's anchoring in the Channel. Fifth. That at this point also the captain and crew intended to run the blockade take charge of the vessel. Sixth. That each ship should have two pilots, previously sent over from the Confederate States, who are perfectly familiar with the coast; that she should carry coal enough to make the entire trip, and have iron, steel, and tools enough on board to make any necessary repairs to boilers or machinery on her way out. A vessel so loaded and provided would only have to select some port on this or some other West India island, as points of inquiry (even if that were necessary), and proceed at once to the Confederate States, with almost a positive certainty of running the blockade successfully.

Respectfully submitted.

Resolved by the General Assembly of Georgia, That the Governor be, and he is hereby, authorized and instructed to tender to the Confederate Government the volunteer forces called into service under the law of one thousand eight hundred and sixty, or which may hereafter be called into service for the State defense, in companies, battalions, regiments, brigades, or divisions, as may be found to be acceptable to the War Department of the Confederate States: *Provided*, That the Confederate States will receive them for the term of their enlistment and for local defense in this State, under the act of Congress to provide for local defense and special service, approved August twenty-one, one thousand eight hundred and sixty-one: *And provided further*, That if the Confederate States shall not accept said troops, in that event the troops shall remain in service as State troops, under the terms of their enlistment: *And provided further*, That such tender shall be made, so far as the troops now in the State are concerned, before the fifteenth day of January next, and before a greater sum than $1,000,000 is raised or expended as provided for in the twentieth section of the general appropriation bill: *And provided further*, That none of said troops shall be transferred to the Confederate service without their full consent, first fairly obtained by companies if organized as independent companies, by battalions if organized as independent battalions, or by regiments if organized in regiments.

Be it further resolved, That we earnestly recommend the Confederate Government to receive said State forces, should they assent, with all their field and general officers, and if there be no law now authorizing such acceptance, we respectfully request our Senators and Representatives to urge the passage of a bill to effect so desirable an object.

Assented to December 16, 1861.

AN ACT providing for the transfer of certain appropriations.

The Congress of the Confederate States of America do enact, That all sums remaining unexpended out of the appropriations made by the following acts, to wit: First, "An act making appropriations for the support of the Regular Army of the Confederate States of America, for twelve months, and for other purposes," approved March eleventh, eighteen hundred and sixty-one; second, "An act making appropriations in addition to those already made for the military service of the Confederate States of America, for the fiscal year ending the eighteenth day of February, one thousand eight hundred and sixty-two," approved May twenty-first, eighteen hundred and sixty-one, be, and the same are hereby, ordered to be transferred for distribution and expenditure in the manner provided in the second section of an act entitled "An act making appropriations for the public defense," approved on the twenty-first day of August, eighteen hundred and sixty-one.

Approved December 18, 1861.

AN ACT to establish the date from which the commissions of certain staff officers shall take effect.

The Congress of the Confederate States of America do enact, That all surgeons, assistant surgeons, quartermasters, commissaries, and assistant quartermasters and commissaries, appointed and commissioned in the Provisional Army, and who may have commenced their service before receiving their commissions, shall be entitled to take rank and receive pay from the date when they actually commenced to perform their respective duties with troops in the service of the Confederacy.

Approved December 18, 1861.

AN ACT further supplementary to an act to authorize the issue of Treasury notes and to provide a war tax for their redemption.

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury is hereby authorized to pay over to the several banks, which have made advances to the Government in an anticipation of the issue of Treasury notes, a sufficient amount, not exceeding $10,000,000, for the principal, of Treasury notes to pay the principal and interest due upon the said advance, according to the engagements made with them.

SEC. 2. The time fixed by the said act, to which this act is further supplementary, for making assessments, is hereby extended to the first day of January next; and the time for the completion and delivery of the lists is extended to the first day of February next; and the time for the return of the said lists to the chief collector is extended to the first day of March next; and in cases where the time thus fixed shall be found insufficient, the Secretary of the Treasury shall have power to make further extension as circumstances may require.

SEC. 3. The cash on hand, or on deposit in bank or elsewhere, mentioned in the fourth section of said act, is hereby declared to be subject to assessment and taxation; and the money at interest, or invested by individuals in the purchase of bills, notes, and other securities for money shall be deemed to include securities for money belonging to non-residents, and such securities shall be returned and the tax thereon

paid by any agent or trustee having the same in possession or under his control. The term "merchandise" shall be construed to include merchandise belonging to any non-resident, and the property shall be returned and the tax paid by any person having the same in possession as agent, attorney, or consignee: *Provided*, That the words "money at interest," as used in the act to which this act is an amendment, shall be so construed as to include all notes or other evidences of debt, bearing interest without reference to the consideration of the same. The exception allowed by the twentieth section for agricultural products shall be construed to embrace such products only when in the hands of the producer, or held for his account. But no tax shall be assessed or levied on any money at interest when the note, bond, bill, or other security taken for its payment shall be worthless from the insolvency and total inability to pay of the payor or obligor, or person liable to make such payment; and all securities for money taxable under this act shall be assessed according to their value, and the assessor shall have the same power to ascertain the value of such securities as the law confers upon him with respect to other property.

SEC. 4. That an amount of money, not exceeding $25,000, shall be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be disbursed under the authority of the Secretary of the Treasury, to the chief State tax collectors, for such expenses as shall be actually incurred for salaries of clerks, office hire, stationery, and incidental charges, but the books and printing required shall be at the expense of the Department, and subject to its approval.

SEC. 5. The lien for the tax shall attach from the date of the assessment, and shall follow the same into every State of this Confederacy; and in case any person shall attempt to remove any property which may be liable to tax beyond the jurisdiction of the State in which the tax is payable, without payment of the tax, the collector of the district may distrain upon and sell the same in the same manner as is provided in cases where default is made in the payment of the tax.

SEC. 6. On the report of any chief collector that any county, town, or district, or any part thereof, is occupied by the public enemy, or has been so occupied as to occasion destruction of crops or property, the Secretary of the Treasury may suspend the collection of the tax in such region until the same can be reported to Congress and its action had thereon.

SEC. 7. In case any of the Confederate States shall undertake to pay the tax to be collected within its limits before the time at which the district collectors shall enter upon the discharge of their duties, the Secretary of the Treasury may suspend the appointment of such collectors, and may direct the chief collector to appoint assessors and to take proper measures for the making and perfecting the returns, assessments, and lists required by law; and the returns, assessments, and lists so made shall have the same legal validity, to all intents and purposes, as if made according to the provisions of the act to which this act is supplementary.

SEC. 8. That tax lists already given, varying from the provisions of this act, shall be corrected so as to conform thereto.

Approved December 19, 1861.

[DECEMBER 20, 1861.—For Bragg to Cooper, in relation to re-enlistment of the twelve-months' men, see Series I, Vol. VI, p. 784.]

[DECEMBER 20, 1861.—For Crittenden to Cooper, in relation to the organization of troops in East Tennessee, see Series I, Vol. VII, p. 780.]

RICHMOND, VA., *December 20, 1861.*

Governor LETCHER,
Richmond, Va.:

MY DEAR SIR: I received your note of the 9th instant, with inclosed ordinance of Virginia convention to reorganize the militia, some days ago, but have been obliged to delay replying until I could get some information on the subject. The ordinance in question appears to be an amendment to the militia laws of the State, and although apparently difficult of execution, is but little more so than these latter. If the provisions of the old laws have been carried out the new will not require much additional labor; and notwithstanding the difficulties in the way of executing the ordinance in question, if it can be done much will be gained in the physical condition and term of service of the militia drafted in accordance with its provisions. It does not appear to be intended to interfere with the volunteer system, which has been found efficient and most acceptable to a free and patriotic people. On the contrary, it seemed designed to promote voluntary enlistments. I have had but little time or opportunity for investigating this subject, and do not attach much weight to the impressions, but merely give them for what they are worth.

Very respectfully and truly, yours,

JEFF'N DAVIS.

AN ACT to determine the number of members the State of Kentucky shall be entitled to have in the House of Representatives of the Congress of the Confederate States, and in relation to the election and returns thereof.

The Congress of the Confederate States of America do enact, That the State of Kentucky shall be entitled to have in the House of Representatives of the Congress of the Confederate States twelve members.

SEC. 2. These members shall be elected in the manner, at the time, and at the places which have been, or may hereafter be, prescribed by the Legislature of the State, subject to the provisions of the Constitution of the Confederate States.

SEC. 3. The persons elected shall be certified by the Governor.

Approved December 21, 1861.

RESOLUTIONS relating to Maryland.

Whereas, the State of Maryland has suffered the same wrongs which impelled these Confederate States to withdraw from the United States, and is intimately associated with these States by geographical situation, by mutual interests, by similarity of institutions, and by enduring sentiments of reciprocal amity and esteem; and

Whereas, it is believed that a large majority of the good people of Maryland earnestly desire to unite their State with the Confederate States, a desire which is proved to exist even by the violent, extraordinary, and tyrannical measures employed by our enemy to restrain the expression thereof; and

Whereas, the Government of the United States, by imprisoning members of the Legislature of Maryland, by establishing powerful

armies of foreign troops within that State and along her borders, and by suppressing with armed force the freedom of speech and of elections, has prevented the people and their representatives from adopting the political connection which they prefer, and in revenge of their preference has inflicted upon them many outrages and established over them a foreign despotism; and

Whereas, the accession of Maryland to this Confederation will be mutually beneficial, and is essential to the integrity and security of the Confederate Union: Be it therefore—

First. *Resolved by the Congress of the Confederate States of America*, That the sufferings of the good people of Maryland under the oppression of our enemy excite our profound sympathy and entitle them to speedy and efficient exertions on our part for their relief.

Second. That it is the desire of this Government, by appropriate measures, to facilitate the accession of Maryland, with the free consent of her people, to the Confederate States.

Third. That no peace ought to be concluded with the United States which does not insure to Maryland the opportunity of forming a part of this Confederacy.

Approved December 21, 1861.

HAVANA, *December 21, 1861.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond:

SIR: Your letter of the 30th ultimo was handed me by Mr. Louis Heyliger on the evening of the 18th instant. When at London, in consultation with Captain Huse, it was agreed that a sailing vessel should be sent to me with arms and munitions of war, to touch at Cardenas for orders; hence my dispatch No. 1, to the State Department, a copy of which has been furnished you. On the 18th day of October Captain Huse writes me from London, as follows:

> I have purchased and expect to have ready for sea by the 25th at least (the 25th of October) a schooner. She is to be loaded with ammunition, and will be consigned to you. If possible I shall have on board of her a supercargo, who will have power to dispose of the ship. She will, of course, have to sail under ——— colors, and therefore, to avoid all difficulty, owned by a ——— subject until she arrives in Cuba.

After giving a list of the cargo and a description of the vessel he continues: "It will be quite impossible for me to remit any money to you." This communication was the inducement to my second dispatch on this subject to the State Department, No. 5, dated 15th ultimo, a copy of which has doubtless been furnished you by that Department. On the 23d ultimo I received a second communication from Captain Huse, dated 31st of October, informing me that he had not loaded the schooner, but a screw steamer, and says:

> She ought to be on the coast from the 25th of November to the 5th of December. Should you have any communication to make with the captain I beg that you will send or go to Nassau. If you can provide a coast pilot at that port it would contribute much to the chances of success, and if such be in your power I beg that you will do so. The captain is a ——— subject, and is, I think, fully qualified for his work. He will have a mate that has run the blockade at New Orleans, and who knows something of the Southern (Atlantic) coast. He is an American, and I have some confidence in him as a coast pilot. But if you can possibly have a thoroughly competent one at Nassau, I hope that you will not spare any efforts to make that arrangement.

This letter, which very fully describes the steamer and cargo, and in which was inclosed a copy of his contract with the owners of the

steamer, reached me by the hands of Mr. Davis, president of the Bank of Louisiana, after the Nassau steamer had sailed; and as there is no trade between Havana and Nassau, it was impossible that I could communicate with the captain, or send a pilot to that port, could I have obtained one here, without chartering a vessel for the express purpose. No pilot for any other than the port of New Orleans could be found here at the time, and therefore I did not charter a vessel. (See my dispatch to the State Department, No. 6, dated 1st instant.) On the 15th instant I received a note from the captain of the steamer announcing his arrival at Nassau, and the fact that a U. S. war steamer was in port, and his determination to remain there until he heard from or saw me, and on the 18th I received a second note, in which he says: "I wish particularly to see you." On the receipt of the first note I engaged a very competent and trustworthy gentleman (Mr. Norris) to proceed to Nassau to aid and assist the captain; but with the Nassau packet came Mr. Heyliger, who had put into that port with the Theodora in distress, and after repairing and dispatching her for the Confederate States came to Havana. I therefore requested Mr. Heyliger to return to Nassau to take charge of the steamer, which he very readily consented to do, and to-day sailed on the steamer Karnak, with full power from me to act for the Confederate States.

I think Captain Huse acted wisely in shipping the cargo by steamer instead of a sailing vessel, but if necessary to touch at all before running in, that it is unfortunate he had not directed the captain to touch at Cardenas, Matanzas, or Havana, instead of Nassau, as the cargo could have been discharged and stored here if necessary, which cannot be done at Nassau, as I learn. But this he could not have known. There is now a competent coast pilot on the steamer, and if she can get off from Nassau without capture she will no doubt get safely in. I have received from Mr. Heyliger the bill for £3,000, which I will negotiate on the best terms, and devote the proceeds to the purposes for which it is intended, and account to your Department as you direct.

I have the honor to be, with great respect, your obedient servant.

CH. J. HELM.

HAVANA, *December 24, 1861.*

NOTE.—I have opened this dispatch to say the steamer from Southampton is just in, and the news indicates with almost certainty an immediate declaration of war by England against the Federal Government, and I have thought it prudent to dispatch a vessel to Nassau with the news, that Mr. Heyliger may not take unnecessary risks with property of such great value and so important to the Confederacy. I hope to be able to charter and dispatch a small vessel to-night. Captain Huse writes me that a sailing vessel is now en route for this place with a full cargo, which will probably arrive by the end of the month.

Very respectfully, &c., CH. J. HELM.

AN ACT to exempt the property of the people of Kentucky from sale for the United States war tax, and to prevent the misappropriation of the school fund.

Whereas, the late General Assembly of the Commonwealth of Kentucky, at the city of Frankfort, during its fall session of one thousand eight hundred and six-one, undertook to appropriate the enormous

sum of $5,000,000 to prosecute the present unjust and iniquitous war for the subjugation of the people of the Confederate States, and for the extermination of the institution of slavery in all the States where it exists; and

Whereas, for the like unholy purposes, the same General Assembly undertook to seize and appropriate the funds which had been set apart and dedicated to the purposes of common schools in the Commonwealth; and

Whereas, in the opinion of this provisional government for the State of Kentucky, those acts on the part of the said General Assembly are regarded as gross usurpations of power not warranted by the constitution of the State of Kentucky, nor sanctioned by the people, but expressly in violation of their known will: Therefore, to relieve the people of this Commonwealth from these insufferable burdens and hardships—

SECTION 1. *Be it enacted by the Council of the provisional government of the State of Kentucky*, That the property of every citizen of this State of every kind and description shall be, and the same is hereby, declared exempt from seizure or sale to satisfy or pay any part of said $5,000,000, or from being held liable in any way for the payment of said sum or any part thereof. And any officer, agent, or collector who shall seize and sell the property of any citizen of this State, to pay any part of said sum of money, shall be guilty of a high misdemeanor, and shall pay back to the person double the value of the property thus sold, and in additon thereto, upon an indictment by a grand jury, shall be fined in any sum not less than $100 nor more than $500, and be imprisoned in the county jail for a period of not less than six nor more than twelve months, and the money hereby received as a fine shall be paid into the treasury of the State and constitute a part of the common school fund.

SEC. 2. *Be it further enacted*, That the fund known as the common school fund shall be held sacred and inviolate, and shall not be applied to any other object than that for which it was intended, namely, the education of the poor children of the State; and any agent, collector, or disbursing officer who shall receive, collect, or have in his custody or control any part of said common school fund, and shall pay out, disburse, or distribute the same for any other purpose than for liabilities created on said fund for educational purposes, shall be guilty of misdemeanor, and upon being indicted by a grand jury, and upon conviction, shall be fined in double the amount thus paid out or disbursed by him, which fine when recovered shall be paid into the treasury of the State and go into the common school fund and constitute part of it.

SEC. 3. *Be it further enacted*, That the property of every kind and description of the citizens of the Commonwealth shall be, and the same is hereby, declared exempt from the payment of any part of the direct and income tax required by the Federal Congress at Washington City at its last session, to be collected from the people of this State, and any officer, agent, or collector for said Federal Government who shall seize and sell the property of any citizen of the State to pay any part of said tax shall be declared guilty of a misdemeanor, pay to the owner of such property double the value thereof, and shall, moreover, be liable to an indictment by a grand jury, and upon conviction shall be fined in any sum not less than $100 nor more than $500, and be imprisoned in the county jail not less than six nor more than twelve months.

SEC. 4. *Be it further enacted*, That any officer, either Federal or State, who shall engage in the enforcement of any law confiscating the property of any citizen of this State, in conformity to any law passed by the Federal Congress at Washington City, or by the Legislative Assembly at Frankfort, Ky., shall be, and he is hereby, declared guilty of a high misdemeanor, and upon being indicted by a grand jury and convicted of the offense shall be fined in any sum not less than $500 nor exceeding $1,000, and shall be imprisoned in the county jail for any period not less than twelve months nor more than two years. The fines recovered under the fifth section of this act shall be paid into the treasury of this State.

SEC. 5. *Be it further enacted*, That the title to any property which may be confiscated under any law passed by the Federal Congress at Washington, or the Legislature at Frankfort, shall not be impaired, and said property shall be restored to such person and the title thereto be the same as though no such confiscation had occurred.

Approved December 21, 1861.

[DECEMBER 21, 1861.—For Davis to C. F. Jackson, in relation to the transfer of Missouri troops to the Confederate Government, see Series I, Vol. VIII, p. 717.]

AN ACT in relation to taxes on property which has been, or which is liable to be, sequestered as the property of alien enemies.

The Congress of the Confederate States of America do enact as follows, That it shall be the duty of the receivers under the sequestration act to pay all taxes upon property of alien enemies, which is liable therefor within their respective districts, out of any funds in their hands as receivers, said payment to be charged to the account of the property upon which the tax has been paid: *Provided, however*, If it appear to any receiver that such property, in any case, is not worth more than the taxes for which it is liable, he shall report the facts to the Secretary of the Treasury, whose duty it shall be to instruct the receiver whether he shall pay the taxes or allow the property to be sold for the taxes.

SEC. 2. That the receivers be authorized to sell, by order of court, and in such manner and upon such terms as the court may prescribe, any property within their respective districts which has been sequestered, or which is liable thereto, for the purpose of raising money for the payment of the taxes aforesaid.

SEC. 3. That whenever a receiver has not funds in hand, over and above what is necessary for other expenditures, sufficient to pay said taxes, and cannot obtain the same by sale as aforesaid within the time fixed for the payment of said taxes, he is hereby authorized to give to the tax collector charged with the collection of the taxes a certificate of the amount due, and he shall specify therein the property upon which the same is due; and the Secretary of the Treasury shall pay the amount so certified to be due, and shall cause the same to be charged to the sequestration fund. But the giving of the certificate shall be subject to the same condition precedent as provided in regard to payment in the first section of this act.

SEC. 4. That the Secretary of the Treasury be authorized to make agreements with the several States, counties, cities, and towns for the

postponement of the collection of taxes for which the property of alien enemies sequestered, or liable to be; and in case any one or more of the States, counties, cities, or towns consent to the same, he is hereby empowered to issue certificates for the amount due, bearing interest at the rate of six per cent. per annum, which shall bind the Government to pay the same, and which, when paid, shall be charged to the sequestration fund.

SEC. 5. That whenever the property of an alien enemy sequestered, or liable thereto, has been, or shall hereafter be, sold for taxes, the Secretary of the Treasury is hereby authorized, with the assent of the State in which the property has been sold, to redeem the same by the payment of the sum or sums required to be paid by citizens in such case, or by the issue of certificates therefor, as hereinbefore provided, should he deem it advisable; and in all such cases such property shall go into the hands of the receiver for the district in which the same is situate, and be held and accounted for in the same manner as other sequestered property; provided the amount of the redemption shall be charged to the sequestration fund.

Approved December 23, 1861.

CHARLESTON, *December 23, 1861.*

Hon. C. G. MEMMINGER:

DEAR SIR: The Theodora at Wilmington brings intelligence of the arrival at Nassau of the steamer Isabel (Ella Warley) and schooner Prince of Wales from this port, both with cotton hence, which we destine for Liverpool. Our ship Eliza Bonsall had also arrived there with an assorted cargo, partly owned here. The Gladiator had also arrived, but not having had any letters by her we inclose you the within from a stranger of whom we have no knowledge, but it may be useful. It seems matter of regret that the Theodora did not bring a part of the Gladiator's cargo. We are dispatching the steamer Carolina hence to Nassau, to sail about Thursday or Friday next—upon reflection, the holidays intervening, say Monday next—and if the Government desires to avail of the opportunity for passage of agents or transmission of dispatches, have the kindness to keep her in view. This vessel, though a good sea boat, is exceedingly light draft, and will meet with but little trouble around Nassau, we hope. The Ella Warley is taking some of the Eliza Bonsall's cargo for this place. She is under British colors.

Yours, very respectfully,

JNO. FRASER & CO.

[Inclosure.]

STEAMER THEODORA, *December 20, 1861.*

Messrs. JOHN FRASER & Co.:

GENTLEMEN: Having promised Captain Bird, of the steam-ship Gladiator (consigned to your care), that I would call upon you and explain the position of that vessel, but having succeeded in running the blockade at a different point from what I expected, and having no business to take me to Charleston, I take the liberty of addressing you a few lines for the purpose of acquitting myself of the promise. It is, perhaps, quite unnecessary for me to write, for Captain Lockwood, who promises to deliver this, will be able to explain to you quite fully the nature of the blockade from which the Gladiator is suffering. I will simply state that we left Gravesend on the 10th of November

with a cargo of inestimable value for the C. S. Army, with instructions to proceed to Teneriffe and coal, and then to go to Nassau to meet Mr. Helm. We had difficulty in procuring coal at Teneriffe, in consequence of the large number of French and Spanish steamers taking in coal for the Mexican expedition, and we were finally compelled to leave with an insufficient quantity. We reached Nassau on Monday, the 9th of this month, and to our great annoyance Mr. Helm was not there. The weather we had just before running into Nassau was of a magnificent character for running the blockade, but unfortunately we had no pilot, nor, indeed, had the captain authority to deviate from the prescribed course. On our arrival we found the steamer Isabel, from Charleston, the captain of which was kind enough to let us have his excellent pilot. It was necessary to make some alterations to the machinery in order to increase her speed, and to take a few tons of coal on board. This would have detained us until Thursday morning. On Wednesday morning, to our great disgust, the Federal steamer Flambeau, mounting two guns, came into port, and the Gladiator was effectually blockaded. The captain did not dare venture out, as the Flambeau is a much faster vessel and would overhaul the Gladiator without trouble. The great mistake, indeed, has been to send so slow a vessel on such an expedition. Thinking that if no other vessels came to the assistance of the Flambeau it might not be impossible to send some vessel which might be more than a match for her and extricate the Gladiator from her embarrassment, I arranged with the officers before leaving a series of signals by which she could be informed by any vessel sent to her relief of her character before entering the harbor, and could in return inform her if there were any more Yankee gun-boats in the harbor and the number of guns they carry. From what I heard of vessels outside I fear this will be of no use, but should the information be desired I would readily communicate—nay, if desired, would even accompany an expedition sent out with prospects of success.

I remain, respectfully,

WM. D. HOYT,
Athens, Ga.

[DECEMBER 23, 1861.—For Milton to Benjamin, in relation to organization of Florida troops for Confederate service, see Series I, Vol. LIII, p. 202.]

AN ACT to authorize the President to confer temporary rank and command on officers of the Navy doing duty with troops.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to confer on any officer of the Navy ordered to do duty on shore with troops such temporary military rank and command, and with such limitations and restrictions, as he may deem proper.

SEC. 2. Any officer of the Navy on whom military rank and command shall be conferred, in virtue of the foregoing section, shall retain his rank in the Navy, and shall be entitled only to the same pay and emoluments that he would have received if no such rank and command had been conferred on him.

Approved December 24, 1861.

AN ACT to amend an act entitled "An act to establish a uniform rule of naturalization for persons enlisted in the armies of the Confederate States of America."

The Congress of the Confederate States of America do enact, That the provisions of the above-recited act be, and the same are hereby, extended to all persons not citizens of one of the Confederate States who are engaged in the naval service of the Confederate States during the present war with the United States: *Provided, however*, That the oath therein prescribed may be administered by the captain or other commanding officer of any national ship to all persons entitled to the benefit of this act and attached thereto, and that the duties therein imposed upon the Secretary of War, in regard to persons in the military service, shall be performed by the Secretary of the Navy in reference to persons in the naval service.

Approved December 24, 1861.

AN ACT making appropriations for the expenses of Government in the legislative, executive, and judicial departments, for the year ending eighteenth of February, eighteen hundred and sixty-two.

The Congress of the Confederate States of America do enact, That the following sums be, and the same are hereby, appropriated for the objects hereafter expressed, for the year ending the eighteenth of February, eighteen hundred and sixty-two:

* * * * * * *

War Department.—For the pay of officers and privates of the Army, volunteers and militia, in the service of the Confederate States, for quartermaster's supplies of all kinds, transportation, and other necessary expenses, $46,032,199.

For the purchase of subsistence stores and commissary property, $9,150,807.

For the ordnance service in all its branches, $2,340,000.

For the engineer service, $135,000.

For surgical and medical supplies of the Army, $250,000.

For contingencies of the Army, $34,000.

For contingent expenses of the Adjutant and Inspector General's Office, including office furniture, stationery, printed blanks for the use of the Army, postage, telegraphic dispatches, &c., $6,700.

* * * * * * *.

Approved December 24, 1861.

AN ACT supplementary to an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

The Congress of the Confederate States of America do enact, That the authority granted to the Secretary of the Treasury to issue Treasury notes by the act to authorize the issue of Treasury notes, and to provide a war tax for their redemption, approved August nineteen, one thousand eight hundred and sixty-one, be, and the same is hereby, extended and enlarged so as to authorize the issue of an additional amount of $50,000,000 of Treasury notes of the same character, and subject to the same provisions as the notes authorized by the said act.

SEC. 2. The Secretary of the Treasury, with the approval of the President, in addition to the bonds authorized to be issued by the second section of the said act approved August nineteen, one thousand eight hundred and sixty-one, to which this is supplementary, is hereby authorized to issue bonds, not to exceed at any one time an amount of $30,000,000, payable not more than twenty years after date, and to bear an interest not to exceed 6 per centum per annum, interest payable semi-annually; to be exchanged for Treasury notes issued under authority of this act or of the act to which this is supplementary; and said bonds may, at the option of the holder, be reconverted into Treasury notes, under such rules and regulations as the Secretary of the Treasury may prescribe, and the bonds and Treasury notes authorized by this act to be subject to the same provisions, in all respects not contrary to the provisions of this act, as the bonds and Treasury notes authorized to be issued by the act of the nineteenth of August, one thousand eight hundred and sixty-one, to which this is supplementary.

Approved December 24, 1861.

OFFICE OF THE SECRETARY OF CONGRESS,
December 24, 1861.

President DAVIS:

The Congress of the Confederate States of America on Friday and Saturday, the 20th and 21st of December, 1861, ratified the following treaties: Treaty between the Choctaw and Chickasaw Nations of Indians and the Confederate States of America; also, the Creek treaty, together with the supplementary article to the same; also, the treaty with the Seminole Indians; also, the treaty with the Cherokee Indians; also, the treaty with the Noconi Indians and other bands of Comanche Indians; also, with the reserve Indians; also, with the Osages; also, with the Senecas and the Shawnee Indians; also, with the Quapaw Indians; also, a supplementary article to the treaty with the reserve Indians.

Respectfully, your obedient servant,

J. J. HOOPER,
Secretary of the Congress.

RICHMOND, *December 24, 1861.*

Governor JOHN MILTON,
Tallahassee:

Requisitions for troops on the Executive of Florida ought properly to be made by General Lee only, except in case of emergency. The Government here does not accept troops for twelve months unless armed, and if your troops are not armed it is better not to raise any more than General Trapier may want to man batteries. If your State can arm them we will receive as many twelve-months' men as you can furnish.*

J. P. BENJAMIN,
Secretary of War.

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*This in reply to Milton of December 23, Series I, Vol. LIII, p. 202.

[DECEMBER 24, 1861.—For Benjamin to Trapier, with reference to organization of troops in Florida, see Series I, Vol. LIII, p. 203.]

[DECEMBER 24, 1861.—For Benjamin to Crittenden and Crittenden to Cooper, in relation to the organization of troops in East Tennessee, see Series I, Vol. VII, pp. 790, 791.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 24, 1861.

His Excellency THOMAS O. MOORE,
Governor of Louisiana:

SIR: I have the honor to acknowledge receipt of your letter of 17th instant on the subject of shipments of cotton from New Orleans. In reply I beg to say that Congress has had its attention turned to this subject more than once and has hitherto refused to interfere with shipments of produce of all kinds from our ports, and I do not therefore consider that any executive officer has power to interfere with such shipments when made in good faith. It is obvious, however, that with our ports blockaded nothing would be easier than for persons under pretext of attempting to run the blockade to trade with the public enemy. It is of course the duty of we executive officers to intercept such unlawful voyages and break up such intercourse. In this view of the case I have instructed our commanders at different ports to watch over such voyages, to permit no vessels to leave port in face of an efficient blockading squadron, and to interfere whenever there were well-grounded supicions of collusion with the enemy. Beyond this (which is purely executive) it has been my aim not to interfere with a commerce which Congress has not thought proper to interdict. The measure you adopted in New Orleans of not permitting the accumulation of cotton in the harbor (so as to avoid tempting the enemy of an attack for the purpose of capturing it) is entirely similar in its character to those adopted by this Department. It was a measure of military defense, and as such within the discretion of the commander-in-chief of the State. But where parties in good faith are engaged in the lawful commerce of exporting cargoes to neutrals, in the absence of any prohibiting legislation by Congress, I am unable to perceive on what ground the executive departments of either the State or the Confederacy could justifiably interfere. I know no stronger test of good faith than when parties run the blockade into our ports with cargoes adapted to our needs. But when vessels enter in ballast for the purpose of taking out cargoes of naval stores or cotton, both much needed by the enemy, I have felt justified in regarding such cases with great suspicion as prima facie collusive and fraudulent.

I am, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

P. S.—May I beg of you the favor to show this letter to Hon. E. W. Moise as my answer to a dispatch on the same subject just received from him.

NASSAU, NEW PROVIDENCE, *December 27, 1861.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va.:

DEAR SIR: My last communications to you were under dates of 12th, 14th, 15th, and 16th instant, per steamer Theodora, which vessel I trust has safely entered a Confederate port. Lest anything should have happened to prevent the receipt of my letters I will briefly repeat that the Theodora was compelled to enter the port of Nassau in distress, having sprung a leak the second day out, and it was with the greatest difficulty that she was saved from foundering. We reached here on the 10th, and found that the vessel was unfit to carry cargo. There being no ways or dry dock here we put such repairs as were indispensably necessary to enable her to reach home, and she sailed on the 17th. In her then condition she was utterly unavailable for service, and it was the only course that could be adopted to turn her to good use hereafter.

As matters have resulted we could have got no cargo at Cardenas or Havana, inasmuch as the vessel which you and Mr. Helm expected at Cuba turns out to be the Gladiator, now in the port of Nassau, whither she was ordered by Captain Huse to receive instructions from Mr. Helm. This latter gentleman did not receive the intelligence of the changed direction of the Gladiator until after the departure of the Karnak on her November trip to this place, say the 22d or thereabouts; otherwise he would have come on to Nassau. I wrote to you in my previous dispatch that I did not feel justified to give Captain Bird advice of an authoritative character. Could any persuasion of mine been of avail I should have ordered him off an hour after my arrival. He reached here the day before I did. On the following morning a Yankee gun-boat came in and has never budged since. Under those circumstances it would have simply been an act of folly to go out, and we had to resign ourselves to a condition of things for which there was no apparent remedy. The Gladiator has not the speed I would desire. She is not more than an eight to nine knot vessel at the very outside. I reached Havana on the 18th and handed Mr. Helm your letter, together with the bill for £3,000. He acknowledged that my arrival had relieved him of great anxiety, as he could not well leave Havana, and had already cast about for a proper person to proceed to Nassau and take charge of the Gladiator. By referring to the inclosed copy of his letter you will perceive that he has given me full authority to act in his stead, and I accordingly returned here on the 23d.

As before observed the situation of things is not changed. The gun-boat is still here and appears determined to remain. I have caused it to be represented to the authorities here that the presence of this war vessel amounts to a virtual blockade of the port; that it must tend to cut off the trade which the Confederate States desire to direct here, and thus prove highly injurious to the commercial interests of the island; that there are limits to the courtesy due to a belligerent in a neutral port, and that as this Yankee seems determined to take up his permanent abode here, some steps should be adopted to remind him that he is infringing on the laws of hospitality. I have reason to know that these arguments have not been without their effect, inasmuch as the matter was incidentally discussed at a meeting of the council the other day, and I really believe that in the course of a week or two some action will be taken to impress the captain of the enemy's vessel

with the conviction that his absence will be preferable to his company. In that case, however, he may probably decide to cruise off the harbor, which would hardly improve our prospects, though it would be irksome to the enemy. Another Yankee gun-boat came in the day before yesterday, the Santiago de Cuba, but left again last evening.

We have succeeded in obtaining a very important modification of the existing laws, viz, the privilege of breaking bulk and transshipment. This, as you are aware, was not previously accorded, so that if matters come to the worst we may make such a division of the cargo into other vessels as will diminish the risk. I do not relish the idea of breaking bulk, and if a chance should present itself—not such a one even as a very prudent man would adopt—I shall try the run. As things now stand I shall certainly not do it; indeed, Mr. Helm, though not limiting my authority, cautioned me to be prudent. The cargo is really of such value that I dread any accident, and am disposed to shrink instinctively from the hazard of a loss. The late proclamation of the Queen forbidding the export of all warlike material (we got that news yesterday) adds materially to the value of the cargo, and this brings up the chances of a rupture between England and the United States. I take it for granted that if the demands of the British Government are not complied with there will be war, and it may not take more than a few weeks to decide the contingency. In the event of war our vessel would be perfectly safe under convoy, and hence the question occurs whether, being compelled to remain, the detention may not prove to be opportune. To sum up, if a good chance should present itself I will start; otherwise I shall abide the course of events.

The steamer Ella Warley, which takes this, is the old Isabel, now under British colors. John Fraser & Co., of Charleston, are the principal parties interested, and she carries from here a cargo of sundries (but no munitions of war), ostensibly bound to Saint John, New Brunswick. In case of need she might be made available for transporting a portion of the Gladiator's cargo. So also could the Theodora, provided she is put in such a condition as I suggested in my former communication. I have not yet been able either to sell or ship the seventy-five bales of cotton. This is a very poor market, but I expect to get rid of it next week, as I am informed that a vessel is to go to New York, and I may induce some one to buy. In fact a party has approached me on the subject, but will make no offer until the vessel is ready to load. Messrs. H. Adderly & Co. have offered to ship it to New York for me, which is undoubtedly the best market. But with the temper of the people there I am apprehensive that the authorities might go behind the alleged ownership and give us trouble in realizing. I have no desire to speculate on the cotton, but simply to get the best price without any further risk. As it may so happen that you have not received the charter party of the Gladiator, I inclose a copy of it. There are two English gun-boats in port, the Bulldog and the Steady.

I am, very respectfully, your obedient servant,

L. HEYLIGER.

[Inclosure.]

HAVANA, *December 20, 1861.*

Mr. LOUIS HEYLIGER:

SIR: The British steamer Gladiator, Commander G. G. Bird, with a cargo for the Confederate States of America, is now at Nassau awaiting orders from me. As I cannot be at that port in person, I must

request that you will on to-morrow sail by the steamer Karnak for Nassau, and on your arrival exhibit to Captain Bird this letter as your authority to act in my stead for the Confederate States. Inclosed you have a duplicate of the contract or charter party, by which the steamer Gladiator has been engaged to convey the cargo she now has on board to a port of the Confederate States, and you will consider yourself clothed with all the power in the control of the said steamer and her cargo which I could have if personally present, limited only by the terms of the contract. Captain Bird will willingly co-operate with you in all things necessary to accomplish the important object in view, *i. e.*, the safe arrival of the steamer and cargo at a Confederate port.

I can give you no instruction as to when, where, or how you are to run the blockade, but leave the matter entirely to your discretion.

CH. J. HELM.

[Sub-inclosure.]

MEMORANDUM.

LONDON, *October 24, 1861.*

Mr. Stock, on behalf of himself and friends, agrees to purchase and fit out the steamer Gladiator to proceed to a port in the Confederate States, calling for orders at an intermediate port if required, as may be hereafter agreed upon and signified in writing by Captain Huse to Mr. Stock. Mr. Stock agrees to take out in the Gladiator 500 tons of goods, weight or measurement, to be shipped by Captain Huse or his order, at the rate of £8 per ton, with 5 per cent. primage, to be paid in cash upon the sailing of the vessel from London, the remaining room in the ship being at the disposal of the owners.

Captain Huse, on behalf of the Confederate Government, agrees to insure and bear harmless Mr. Stock, on behalf of the parties interested, against loss of the vessel at sea, capture, and the consequences of any attempt thereat, or incident to the running of the blockade, and also while the vessel may remain at her port of arrival in the Confederate States. If within a period of 100 days from the date of sailing of the steamer from her last port she shall not have been heard of in England, it shall be considered that she has been lost at sea, and Mr. Stock shall be entitled to payment as hereinafter detailed of the fixed minimum value thereof, say £15,000. In case of arrival it is agreed that the Confederate Government are to have the refusal of the steamer at the price of £18,000, and Mr. Stock is to have the option of calling upon the Government to complete her purchase at the price of £15,000, being the minimum price herein agreed to by Captain Huse for and on behalf of the Government and as one of the parties to this arrangement.

In the event of a contingency arising under which Mr. Stock is entitled to claim from the Confederate Government, it is agreed that such claim shall forthwith be settled in London by Captain Huse, and shall be payable by his order on Messrs. Fraser, Trenholm & Co. at sight, to be liquidated out of any funds in their hands unappropriated and applicable to such purpose, or that may afterward become so applicable, either by special remittance or otherwise.

It is agreed that Mr. Stock, on behalf of himself and friends, is to have the privilege of taking cabin passengers for his own account and benefit. It is agreed that Captain Huse has permission to send two gentlemen as cabin passengers, who will act as supercargoes of the

goods shipped by him. These gentlemen will assist the captain with their advice, in accordance with letters of instructions which will be placed in the hands of the captain and supercargoes, it being, however, understood that the captain is free to act as to when and how he is to seek to enter a Confederate port, without prejudicing the spirit or letter of this agreement.

CALEB HUSE.
T. A. STOCK.

RICHMOND, *December 28, 1861.*

Messrs. JOHN FRASER & Co.,
Charleston, S. C.:

Your letter of 23d to Mr. C. G. Memminger has been referred to me. The Gladiator, to your address, is at Nassau with a very valuable cargo for us. Can you not give orders that the Carolina and Ella Warley take parts of her cargo and bring them to us? The Theodora was too much damaged to bring any part of cargo. I understand that there are no blockading vessels either at Wilmington or Brunswick, Ga. I write at length by to-night's mail.

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 28, 1861.

Messrs. JOHN FRASER & Co.:

GENTLEMEN: Mr. Memminger has been good enough to refer to me your letter of the 23d instant, on the subject of which I telegraphed you this morning. When we sent the Theodora to Cardenas it was for the purpose of making arrangements with Mr. Helm, our consul there, for the transshipment of some cargoes of arms and munitions of war that were expected there at this time by sailing vessels from Europe. The Theodora, with Louis Heyliger, esq., our agent on board, was very nearly lost at sea, and was obliged to put into Nassau in distress. While there she met the Gladiator, in relation to which all necessary information will be found in the inclosed copy of a letter received from Mr. Bisbie, sent out as supercargo in charge of our property on board.* The Theodora was so badly injured by the gale that she was barely able to get back to Wilmington by aid of temporary repairs without cargo, and she is now in the hands of the carpenters in Wilmington. Mr. Heyliger concluded to continue his voyage to Cardenas for the purpose of consulting with Mr. Helm on ulterior measures, and is probably back at Nassau by this time, making his voyage both ways in the Karnak. Your letter suggests the possibility of dividing the cargo of the Gladiator and bringing it home at least in part on the Ella Warley and Carolina, and I have now to beg that you do so, if possible, giving preference to the small-arms and cannon powder, of both of which we are sorely in need. I think the authorities there would permit the vessel to break bulk in the harbor, and the Flambeau, if not yet joined by other Federal cruisers, could not possibly prevent the escape of at least three-fourths of the cargo if divided between fast steamers. I am not willing to trust any part of it to sailing vessels, which fall an almost certain prey to the enemy's

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*See p. 800.

cruisers. I have no means of giving any special instructions as to the best course to be pursued in Nassau, but will be very glad to hear that you have confided the matter to your own discreet agents, who, however, would of course not act without the concurrence of our agents if present in Nassau. If by the time of the arrival of the Carolina in Nassau news should reach there of war between England and the United States, it would be better not to remove the cargo from the Gladiator, as in that event she would probably be able to get convoy from some vessel or vessels of the British fleet. Please inform me of any arrangements you may make at your earliest convenience.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

CHARLESTON, *December 30, 1861.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond:

DEAR SIR: We are to-day favored with your letter of the 28th instant, and shall make every effort to accomplish your wishes in relation to the cargo of the Gladiator. We hope no attempt will have been made to get her out of Nassau. She is so slow a vessel that it would be a desperate risk. We apprehend some difficulty in the transshipment of the cargo, but our agents, Messrs. Hy. Adderly & Co., will manage everything with the utmost discretion, and will overcome this difficulty if it is possible to do so. We think the goods and vessel will have to be cleared for Saint John, New Brunswick. The Carolina and Cecile, steamers, will be dispatched for Nassau with as little delay as possible. The former has met with some detention and cannot now depart before Monday next. The Cecile will follow very soon. Other arrangements had been made for return cargoes for both these vessels, but we recognize the paramount importance of promoting the plans of the Government, and will change our arrangements as far as it may be in our power to do so, and bring a portion of the cargo of the Gladiator by each of these vessels. If our plans can be carried out, both will be put under the British flag. The Ella Warley has already had her nationality thus changed, and if she is fortunate enough to get home in safety we will send her back immediately. We will thank you to send us a letter to the person having the control of the Gladiator's cargo, authorizing and directing him to deliver the same (or such portions as may be called for) to our order. He may be unwilling to deliver it without the sanction of your authority. Should war have been declared against the United States by England, we agree with you that it would be better not to disturb the cargo; but if no other freight offer we hope you will not object to the steamers bringing over a part of the goods, as we are setting aside other arrangements to accomplish your wishes. The freight charged by these vessels will be the same as we before stated for similar business, viz, for the entire cargo a sum equal to the value of the steamer, and for a smaller quantity a proportionate sum. The value of these two steamers is $65,000 each. Capt. John N. Maffitt is willing to go out in command of the Cecile (as a merchant ship) if the consent of the Navy Department be given. May we ask you to procure this for us from the Secretary? We suppose a furlough is all that is necessary.

Yours, most respectfully,

JNO. FRASER & CO.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 30, 1861.

Mr. O. CHAUVIN,
Pulaski Hotel, Savannah:

SIR: In reply to your communication of 28th instant I inform you that I accept your propositions with some slight modifications, as follows, viz: First. You are to introduce into some port of the Confederate States the articles (or as many thereof as you can) embraced in the list inclosed and signed by me. Your deliveries are to commence as promptly as possible. Second. You are to purchase these articles on as reasonable terms as you can, and to receive in payment their cost, with 50 per cent. profit and reimbursement of freight, drayage, package, and cost of loading at the port of departure. Third. For freight you will be allowed twice the current rates of freight from the port of loading to the port of Havana for articles of merchandise under neutral flags, say flags of France or England. Fourth. Payment to be made to you on arrival and delivery of cargo in a Confederate port in good order. This Government assumes no risk whatever, but will pay on delivery for the articles received, at the rates above agreed upon, in cotton at current market prices, which cotton you shall be at once at liberty to export for your own account and risk. If you bring your cargo into a port where there is no cotton market, the cotton will be delivered to you at the nearest cotton port to the one you enter. Fifth. The articles purchased by you will be inspected by an officer in our service in Europe, and when once inspected and received by him as satisfactory no further questions of quality will be made unless the articles be damaged in transportation; this damage is at your risk. Sixth. You are to exhibit this contract to some one of our commissioners in Europe, who will designate the officer that will inspect your cargo at its port of loading and furnish you a certificate of his inspection. Seventh. This contract shall cease upon the restoration of peace between the United States and the Confederate States; but this Government will receive and pay for all articles that may be actually shipped under its terms before it shall be publicly announced in the newspapers of France and England that peace has been made.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

[Inclosure.]

List referred to in foregoing letter.

One thousand tons saltpeter; 500 tons cannon powder; 100 tons rifle or musket powder; 50,000 rifles or rifled muskets, with bayonets; 5,000 carbines; 5,000 revolving pistols for cavalry; 10,000 sabers for cavalry, with belts; 5,000 sabers for artillerists, with belts; 100 tons of bar steel, assorted sizes, from 1 inch square upward, chiefly small sizes; 500 gross files, assorted sizes, for armorers and finishing purposes; 2,000 gross assorted screws, from $1\frac{1}{4}$ inches up to $2\frac{1}{2}$ inches; 200 carboys nitric acid; 500 carboys sulphuric acid; 100,000 pounds of leather suitable for harness and bridles.

J. P. BENJAMIN,
Secretary of War.

[DECEMBER 30, 1861.—For C. F. Jackson to Davis, in relation to transfer of Missouri troops to the Confederate Government, &c., see Series I, Vol. VIII, p. 724.]

[DECEMBER 30, 1861.—For Milton to Benjamin, in relation to the organization of Florida troops, see Series I, Vol. LIII, p. 205.]

AN ACT to provide for a Corps of Engineers for the Provisional Army.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to appoint officers of engineers in the Provisional Army, to a number not exceeding fifty, and of rank not higher than captain, whose pay and emoluments shall be the same as those allowed for officers of a like grade in the permanent Army of the Confederacy, and whose appointments shall expire at the end of the pending war.

Approved December 31, 1861.

AN ACT to amend "An act to authorize the President to confer temporary rank and command for service with volunteer troops on officers of the Confederate Army," approved May twenty-first, eighteen hundred and sixty-one.

Be it enacted by the Congress of the Confederate States of America, That the above-entitled act be so amended that, in addition to the power therein granted, the President of the Confederate States be, and he is hereby, authorized to confer temporary rank and command upon officers of the Confederate Army on duty in the several bureaus of the Adjutant and Inspector General, Chief of Engineers, and Chief of Ordnance, to cease at the end of the war; the same to be held without prejudice to the positions in said Army.

Approved December 31, 1861.

AN ACT to provide for the payment of certain Indian troops.

The Congress of the Confederate States of America do enact, That the proper quartermaster in the Military Department of Indian Territory be authorized to pay the officers and men of the company of Creek mounted volunteers, raised in the month of August, eighteen hundred and sixty-one, by authority of the commissioner of the Confederate States, for local purposes, at the North Fork Village, in the Creek country; and of the Cherokee regiments of Cols. Stand Watie and John Drew, and of the Choctaw and Chickasaw regiment of Col. Douglas H. Cooper, and of the Creek regiment of Col. Daniel N. McIntosh, and of the companies of Seminoles raised by the chief, by authority of the same commissioner, and of the other troops called into the service by Col. Douglas H. Cooper, to aid in suppressing the insurrection of a part of the Creeks, and of any called into service by the Creek agent for the same purpose, by direction of the commissioner, for the times during which all of said troops were in the service, after being organized and before being mustered into the service,

in the same manner as if they had been mustered in at the respective times when they were organized and received by the commissioner or either of said officers; which payments shall be made upon special pay-rolls for that purpose: *Provided*, That the allowance in lieu of clothing shall be paid only to such of said officers and men as shall have since been or may be mustered into the service, and that none shall be paid who have deserted or disbanded without permission, or have taken sides with the insurrectionists among the Creeks.

SEC. 2. *And be it further enacted*, That the accounts of the acting commissaries and quartermasters of all said troops shall be settled and paid in the same manner as if the troops with or for which they acted had been regularly mustered into the service at the time when they were organized and received; and that the debts incurred or moneys advanced by them be paid by the brigade quartermaster of the brigade commanded by Brig. Gen. Albert Pike: *Provided further*, That said accounts shall be also approved by the said brigadier-general, and that the prices paid by them be found by him not to have been excessive or exorbitant and the debts to have been contracted in good faith and the moneys actually advanced.

Approved December 31, 1861.

Consolidated abstract from returns of the Confederate forces on or about December 31, 1861.

[Compiled from such returns as are on file in the War Department.]

Command.	Present for duty.		Aggregate present.	Aggregate present and absent.	Date of return.
	Officers.	Men.			
Army of Northern Virginia (J. E. Johnston).	4,039	57,859	76,331	98,050	Dec. 31, 1861.
Department of Norfolk (Huger)	668	10,878	13,451	15,143	Nov. 30, 1861.
Army of the Peninsula (Magruder)	775	12,447	16,825	20,683	Dec. 31, 1861.
Department of North Carolina (Gatlin)	611	9,679	12,107	13,900	Jan., 1862.
Department of South Carolina, Georgia, and Florida *a* (Lee).	1,195	17,186	22,223	26,660	Dec. 28 and 31, 1861, and Jan. 9, 1862.
Department of Alabama and West Florida (Bragg).	788	12,051	16,300	18,075	Dec. 2, 1861, and Jan. 1, 1862.
Department No. 1 (Lovell)	324	6,636	8,621	8,691	Dec. 31, 1861.
Western Department, or Department No. 2 *b* (A. S. Johnston).	3,751	58,702	77,663	103,999	About Dec. 31, 1861.
Army of the Northwest (Loring)	605	8,933	11,699	17,760	Oct. 31, 1861 (latest on file).
Department of Texas *c* (Hébert)	175	2,550	3,460	3,807	Dec., 1861, and Jan., 1862.
Army of New Mexico *d* (Sibley)	.....	.....	.....	.....	
Missouri State Guard *d* (Price)	.....	.....	.....	.....	
Department of Indian Territory *d* (Pike)	.....	.....	.....	.....	
Total	12,931	196,921	258,680	326,768	

a The only returns on file for this department are from the First, Second, Third, and Fourth Military Districts, and the District (or Department) of Middle and East Florida.

b No returns are on file for Floyd's and Bowen's brigades, and only the "aggregate present and absent" is reported for Carroll's brigade (4,015) and the volunteers in camp in Tennessee (6,000).

c Returns only for the District of Galveston and the troops on the Lower Rio Grande.

d No returns of an approximate date.

I.—ORGANIZATION OF TROOPS—ELECTION, APPOINTMENT, AND RANK OF OFFICERS.*

1. Volunteers tendering themselves directly to the Confederate Government for three years or the war may be accepted either singly or in companies, battalions, or regiments, organized by the election of their officers. When the officers have been once elected, vacancies are filled by promotion within the same company, battalion, or regiment, except in the lowest grade of company officers, which is filled by election.

2. Where troops have been raised by the several States for the Confederate service, all appointments thereto, except staff appointments, are made and commissions issued by the State authorities under their own laws. Such troops must be organized, in all other respects, as herein provided, and are considered as in the Confederate service from the date of their transfer during the term of their enlistment.

3. A regiment is composed by law of ten companies, neither more nor less, which must all be of one arm. A battalion cannot be accepted as such with less than five companies, and is entitled to but one field officer unless the number of companies exceeds five.

4. A company must consist, if infantry, of at least sixty-four privates; if cavalry, of at least sixty; if artillery (unless otherwise expressly authorized), of at least seventy, in addition to all officers. Companies now in service, whether for twelve months or for the war, may be filled up under the recruiting regulations, but no company shall contain more than 125, rank and file. The muster-rolls of companies stand as the evidence of the rank of their officers until commissions are issued.

5. Officers hold rank from the date of the muster or acceptance of their respective commands into the service of the Confederate States, or, when appointed by the President, from the date of their appointment.

The officers of the regimental staff—assistant quartermaster and commissary, surgeon, assistant surgeon, chaplain, and (when not already a lieutenant of the regiment) the adjutant, and the officers of the general staff—are always appointed by the President, through this Department. The recommendation of the commanding officer is respected in making these appointments.

A battalion is entitled to no adjutant except from among the lieutenants thereof, and only to one assistant quartermaster or commissary, and to one medical officer.

Except staff appointments upon the recommendation of the commanding officer upon whose staff the vacancy exists no appointments are now made from civil life.

II.—TERMS OF ACCEPTANCE—ARMS AND EQUIPMENTS.

6. No troops other than twelve-months' volunteers re-enlisting for two years will be accepted for less than three years or the war, except for local or special service.

7. All troops will be armed and equipped before being ordered into the field, or their arms and equipments will be paid for, if required, upon inspection and valuation by the proper officer.

8. No horses are furnished to cavalry, but 40 cents per day are paid for the use and risk of horses, and those killed in battle are paid for.

*These regulations, without date, were probably issued about the middle of February, 1862.

9. Batteries with equipments complete, including horses, will be furnished to all light artillery companies in the order of their acceptance, or will be paid for at valuation if furnished by the companies. Companies may be accepted as heavy artillery when required to man stationary batteries, but no companies re-enlisting from other arms of the service will be accepted as light artillery unless specially recommended by superior officers.

10. No troops will be accepted for local service unless required by the officer commanding the district in question, and then only as prescribed by the act of Congress, receiving pay, subsistence, &c., only while in actual service.

Except under this act no troops will be accepted with any condition as to where they will serve.

III.—ENLISTMENT AND MUSTER INTO SERVICE—PAY, BOUNTY, ETC.

11. Troops thus organized are inspected and mustered into service by officers designated for that purpose, and are considered as in service and entitled to pay and allowances from the date of their muster, or, when previously accepted and placed under orders by authority of this Department, from the date of such acceptance, which should then be indicated on the muster-rolls by the mustering officers.

Where men have been sworn into service and accepted upon inspection prior to such organization their pay and allowances will begin from the date thereof, which should also be noted upon the muster-rolls.

After troops have been mustered the muster-rolls should be forwarded at once to the Adjutant-General, and the mustering officer is authorized to call upon quartermasters and commissaries for their due supplies, transportation, &c., until they are otherwise provided for. No commission will be issued until the muster-rolls are received.

12. Twelve-months' men re-enlisting under the regulations for two years or the war may be mustered into service in companies, battalions, or regiments as soon as the organization thereof is agreed upon, and their period of enlistment and the rank of their officers elected will date from such muster, but the reorganization cannot take effect nor pay begin under such muster until the period prescribed by the regulations.

New volunteers enlisting for three years or the war may be received into such re-enlisted companies, or may form companies with re-enlisted men which may be mustered during their furlough, such muster and reorganization to take effect as above provided.

13. Volunteers or recruits enlisting for three years or the war will receive a bounty of $50, payable as soon as they are sworn into service and accepted upon inspection by a medical officer, together with transportation and subsistence from the time and place of enlistment until inspected and mustered.

Persons authorized to receive enlistments may order the men enlisted to rendezvous at an appointed time and may make requisition for their subsistence there until fully organized, but volunteers enlisted by officers commissioned in advance by the President are not entitled to any allowances until organized into companies.

14. The right to receive recruits for three years or the war, to the number of 125, rank and file, has been extended, by acts of Congress, to companies now in service for twelve months, as well as to re-enlisted companies, and to all companies now in service for the war.

The regulations in regard to recruiting (General Orders, No. 6) and the regulations in regard to re-enlistment (General Orders, No. 1) and all the blank forms necessary for recruiting and mustering into service may be obtained from the Adjutant-General.

IV.—SUPPLIES AND ALLOWANCES.

15. All equipments, transportation, clothing, subsistence, &c., or commutation therefor, are furnished to troops in service by the proper officers, in conformity with regulations, and no person not expressly commissioned for the purpose can be authorized to make any purchases or contracts whatsoever for the Government.

16. Contributions of clothing or other stores for soldiers, hospitals, &c., will be transmitted free of charge if delivered, properly addressed, to any officer of the Quartermaster's Department. Agents of States in charge of such articles will be allowed free transportation from their homes to the place of their destination and back.

Commutation is allowed the soldier for clothing at the rate of $25 for six months.

V.—FURLOUGHS, DISCHARGES, RESIGNATIONS, ETC.

17. Applications for furlough must be addressed to commanding officers.

No discharge will be granted except in cases of physical disability, certified by a medical officer, unless a substitute be furnished for the war, in conformity with the regulations.

No resignation will be considered unless forwarded by commanding officers, nor accepted unless for satisfactory reasons stated.

18. All communications from persons in the service must be transmitted through the office of the Adjutant-General, and all communications from subordinates must be duly forwarded through their commanding officer, or they will not be considered.

NOTE.—All communications from camps should contain, in addition to the specification of the regiment, the name of the post-office to which answer should be addressed.

J. P. BENJAMIN,
Secretary of War.

GENERAL ORDERS, No. 1. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 1, 1862.*

I. The following act of Congress, with regulations of the Secretary of War thereupon, are published for the information of the Army:

No. 306.—AN ACT providing for the granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army.

SECTION 1. *The Congress of the Confederate States of America do enact*, That a bounty of $50 be, and the same is hereby, granted to all privates, musicians, and non-commissioned officers in the Provisional Army who shall serve continuously for three years, or for the war, to be paid at the following times, to wit: To all now in the service for twelve months, to be paid at the time of volunteering or enlisting for the next two ensuing years subsequent to the expiration of their present term of service. To all now in the service for three years, or for the war, to be paid at the expiration of their first year's service. To all who may hereafter volunteer or enlist for three years, or for the war, to be paid at the time of entry into service.

SEC. 2. *And be it further enacted*, That furloughs not exceeding sixty days, with transportation home and back, shall be granted to all twelve-months' men

now in service who shall, prior to the expiration of their present term of service, volunteer or enlist for the next two ensuing years subsequent to the expiration of their present term of service, or for three years or the war; said furloughs to be issued at such times and in such numbers as the Secretary of War may deem most compatible with the public interests, the length of each furlough being regulated with reference to the distance of each volunteer from his home: *Provided*, That in lieu of a furlough the commutation value in money of the transportation herein above granted shall be paid to each private, musician, or non-commissioned officer who may elect to receive it, at such time as the furlough itself would otherwise be granted.

SEC. 3. This act shall apply to all troops who have volunteered or enlisted for a term of twelve months or more in the service of any State who are now in the service of the said State, and who may hereafter volunteer or enlist in the service of the Confederate States under the provisions of the present act.

SEC. 4. *And be it further enacted*, That all troops revolunteering or re-enlisting shall, at the expiration of their present term of service, have the power to reorganize themselves into companies and elect their company officers, and said companies shall have the power to organize themselves into battalions or regiments and elect their field officers; and after the first election all vacancies shall be filled by promotion from the company, battalion, or regiment in which such vacancies may occur: *Provided*, That whenever a vacancy shall occur, whether by promotion or otherwise, in the lowest grade of commissioned officers of a company, said vacancy shall always be filled by election: *And provided further*, That in the case of troops which have been regularly enlisted into the service of any particular State prior to the formation of the Confederacy, and which have by such State been turned over to the Confederate Government, the officers shall not be elected, but appointed and promoted in the same manner and by the same authority as they have heretofore been appointed and promoted.

Approved December 11, 1861.

II. Captains or commanding officers of twelve-months' men will, under direction of regimental and battalion commanders, make out duplicate muster-rolls of their companies, noting opposite the name of each man desiring to renew his enlistment for two years from the expiration of his present term of service the following remark: "Enlistment extended for two years; bounty due, $50;" inserting the date of the remark.

As soon as the intention of each man is thus ascertained report will be made to the commanding officer of the army in which the troops are serving. The commanding officer will thereupon cause his inspector-generals, or other officers assigned for that purpose, to verify the rolls and muster into service for said additional term all that are fitted for service. One of the rolls thus verified and certified by the inspecting officers will be sent to the Adjutant and Inspector General. The other will be given to the company commander, from which to make out further muster-rolls.

III. Whenever the number of men in a company who re-enlist shall suffice to form a new company according to the number required by law, the men thus re-enlisted shall have the right immediately to reorganize themselves into a company and elect their company officers, remaining attached to the regiment or battalion to which they belong until the expiration of the twelve months of the original enlistment.

IV. If the number of men re-enlisted in any company be insufficient to form a new company, their original organization will be preserved until within twenty days of the expiration of their term; at which date all the twelve-months' men who have re-enlisted will proceed to organize themselves afresh into new companies and elect their company officers.

V. Whenever all the companies now forming a battalion or regiment shall have organized themselves into new companies they shall have the right of reorganizing themselves at once into a new

battalion or regiment, as the case may be, electing their field officers, as allowed by law. But if any one company of any battalion or regiment declines to reorganize itself, the present organization will remain until within twenty days of the expiration of the present term; at which time all re-enlisted companies will proceed immediately to organize themselves into new regiments and elect their field officers, as provided by law.

VI. All re-enlisted companies which may fail, within the last twenty days of their present term, to reorganize themselves into regiments or battalions will be considered as independent companies re-enlisted for the war, and will be organized into battalions or regiments by the President, and their field officers appointed by him in the same manner as is provided by law for all other independent companies.

VII. The furlough allowed by law, and directed to be regulated according to the distance of each volunteer from his home, is established as follows, viz: To each volunteer there will be allowed a furlough of full thirty days at home, to which will be added by the commanding officer of the army a number of days estimated to be sufficient to allow the volunteer to travel home and back. But in no case will the furlough exceed sixty days, even for those most distant from their homes.

VIII. Commanding officers are directed to commence as soon as possible granting the furloughs allowed as above, in such numbers as may be deemed compatible with the safety of their commands, giving preference, as far as practicable, to the men in the order of their re-enlistment.

IX. The bounty of $50 will be paid to each man when he receives his furlough, at which time his transportation also will be furnished.

X. Each man entitled to furlough may receive instead thereof the commutation value of his transportation, in addition to the bounty of $50 provided by law.*

By order of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, January 2, 1862.

Hon. J. P. BENJAMIN,
Secretary of War:

I have instructed General Martin, adjutant-general of this State, to call the attention of your Department to the unsettled claims of the State with the Confederate Government. The State of North Carolina has made very heavy outlays for the purchase of horses for two full cavalry regiments, three companies of artillery, which the policy of the Confederate Government will not allow to be refunded. If the purchase money cannot now be refunded, I have instructed General Martin to ask for the per diem of 40 cents, payable bi-monthly, as regulations now require to be paid, to individuals owning horses. And as our State is now threatened with a serious invasion, and we have no means of arming the troops we are forced to raise, I have further instructed General Martin to procure us arms, if they can by any means be obtained. A very considerable

* For resulting correspondence, see foot-note reference, Series I, Vol. V, p. 1017.

number of the arms of the First Regiment North Carolina Volunteers, stationed at Yorktown, were distributed, by order of the colonel commanding, among the Virginia militia, the receipts for which are now in the hands of the several captains. These are now so much needed that I will respectfully ask the assistance of the Department in recovering them or giving us an equal number; and the same as to the arms taken from our deceased and discharged soldiers. Before the defenses of the navy-yard at Norfolk were completed we sent down for the protection of the yard 500 of our best rifles. The defenses around Norfolk and about the navy-yard have probably superseded the necessity of storing them in the yard, as it is reported to me that they are not in the hands of any organized company. It is therefore requested that they or an equivalent may be sent to the State. Should this appertain more properly to the Navy Department, I will thank you to present this matter favorably for us before that Department. The immediate and pressing necessity for arms for our defense compels me to urge these claims on yonr attention. The demands upon our treasury make it necessary that I should again call your attention to the very large amount expended for clothing for our soldiers and the commutation due therefor to the State, and it is hoped that some arrangement for our relief may be made without any further delay. General Martin, who will hand you this letter, fully understands the views of the Executive, and will make any explanations if I have not made myself sufficiently explicit.

[H. T. CLARK,
Governor.]

CHARLESTON, *January 2, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond:

DEAR SIR: We have thoroughly considered the subject of transporting the Gladiator's cargo to this country, and consulted with our captains and coast pilots in relation to it. The result is a very strong conviction that the little harbor of Mosquito, on the Florida coast, offers the best, if not the only, chance of success. We have, therefore, decided to order the steamers Carolina and Cecile to run for that port, and we respectfully suggest that no time be lost in providing transportation from thence. The goods will be landed at Smyrna, and will have to be hauled about eighteen miles to Enterprise. There they may be sent by steam-boat to Jacksonville, and thence by railroad to Tallahassee or Brunswick. We suggest that a special agent be sent down immediately by the Government to make the necessary arrangements in advance. We have reason to believe that there will be no difficulty in procuring transportation from Smyrna to Enterprise. Our reasons for deciding to adopt this port are the following, viz: (1) It is but twenty-four hours' run from Nassau. (2) The vessel keeps the Gulf stream nearly the whole way and incurs no risk of meeting vessels going in the opposite direction—vessels going south avoiding the Gulf stream. (3) The port is entirely free from blockaders. (4) Since the entrance of the Theodora at Wilmington that port has been so closely watched by the enemy that our captains have no confidence in the proposal to enter there. (5) The Ella Warley having run in here this morning in broad daylight, right in the face of the enemy and under a shower of shell and shot, we fear it will be dangerous

soon to repeat the attempt at this port. We took the liberty of telegraphing you this morning in relation to Captain Maffitt. It is important that we should command his services without delay. The Carolina cannot get away before next Tuesday. The Ella Warley has a very large cargo of assorted merchandise—chiefly goods brought from Liverpool to Nassau by the Eliza Bonsall.

We remain, dear sir, yours, most respectfully,

JNO. FRASER & CO.

P. S.—Since writing the foregoing it has been suggested by Captain Maffitt that it is important two light guns should be provided at Mosquito to drive off any boats that might be sent in after the steamers if they were seen to enter. We hope you will direct this preparation to be made. Captain Maffitt concurs fully as to the advantages offered by this little harbor.

J. F. & CO.

CHARLESTON, S. C., *January 2, 1862.*

Hon. J. P. BENJAMIN,

Secretary of War of Confederate States:

SIR: It being every day more and more apparent that the existing war between the Confederate States and the United States will be one of long continuance, during which our Government will necessarily require from abroad a large amount of clothing (chiefly woolens), military accouterments, arms, ammunition, &c., especially lead, gunpowder, and the ingredients for making it, I would most respectfully propose to the consideration of your Department the following suggestions, which, if carried into effect, will fully meet the emergencies that may arise from the now more severe blockade of all the Southern coast, which is causing all individual enterprises rapidly to cease.

Until recently numerous vessels on private account were employed in running the blockade from our principal ports, but now very few can be induced to run the risk in consequence of the number which have been recently taken by the enemy. What I propose is that the Government should undertake to do what individual enterprise will certainly hereafter be unwilling to do. I would propose to have, in charge of proper agents, three or four depots near by in the West Indies constantly supplied from Europe with such articles as may be needed for the prosecution of the war. These would thus, being easy of access, afford our vessels an opportunity of supplying themselves, and the advantage of having several would be that in case there should be obstacles to the approach to one another might be made available. I would suggest, among other places, Matanzas or Cardenas, in the northwest, and Gibara, in the northeast of Cuba, as suitable locations for two of these depots. As the inhabitants of that island sympathize with us, all of the supplies needed could be got from Spain at very low rates, and by thus importing from the mother country a large amount would be saved in the shape of duties. These supplies, after being placed in these depots, which would have to be superintended with great prudence and caution so as not to attract attention or suspicion, could be brought into the Confederacy by some of our public vessels or private steamers which are occasionally chartered, or perhaps most effectually by small craft of light draft, even were they but fishing smacks (good sailers), that could be made to run to and fro for the importation of the supplies most needed. From their light draft they would be enabled to make their way into some small inlets or

sounds, and thus gain entrance into our Confederacy when larger craft could not succeed. The vessels sent out to these depots should always go and return with some kind of cargo, so as to disguise the nature of the expeditions. The agents might be authorized to purchase or charter at the respective depots suitable craft for shipping the supplies thence to some port, sound, or inlet of the Confederacy, and it would be advisable to have at each of the depots some reliable navigators and pilots familiar with our coast. If the Government should deem it advisable to make an experiment I would feel great pleasure in furthering their views, as I have facilities and business connections all over Spain, and particularly in the city of Barcelona, that would enable me to render essential service. In fact, I am now contemplating a visit to Spain, my native country, by way of the West Indies, and might make the necessary business arrangements while there. The payments could be negotiated by means of credits on England or France for the monthly amount that the Government may desire. In Spain the custom is to make the drafts on France at from eight to thirty days sight, and on England from sixty to ninety days after sight. However, shipments to some extent could be made of lead, shoes, blankets, flannels, broadcloths, and all kinds of leathers without using the aforesaid credit, by borrowing, as is customary in Spain, from the captain or owner of the vessel designated for the shipment the amount, by a mortgage, to be refunded at the port of destination in the West Indies, together with the marine interest and the freight. In these kind of shipments the captain or owner of vessels run all marine risks on the goods thus shipped, and the Government will save all banking commissions. I could also undertake to procure for our Army coffee shipped on the same terms from Rio Janeiro and other places of South America to the island of Saint Thomas, a free port in the West Indies. As to the agents to be selected I would take great pleasure in recommending friends at either of the locations named, Southerners by birth, upon whom the Government may fully rely. Should my suggestions be deemed worthy of attention, I will feel great pleasure in personally explaining more in detail my views on this subject.

With great respect, I remain, your obedient servant,

R. SALAS.

[JANUARY 3, 1862.—For Milton to Benjamin, in relation to the organization of troops in Florida, &c., see Series I, Vol. LIII, p. 206.]

[JANUARY 3, 1862.—For Sibley to Cooper, in relation to establishing satisfactory relations with Mexican States, &c., see Series I, Vol. IV, p. 167.]

[JANUARY 5, 1862.—For Benjamin to Bragg, in relation to universal suffrage in the Army, &c., see Series I, Vol. VI, p. 794.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,

Richmond, January 5, 1862.

Messrs. JOHN FRASER & CO.,

Charleston, S. C.:

GENTLEMEN: Your favor of the 30th instant [ultimo] was received in due course, but I could not well answer it, as I was advised that

my dispatches per Ella Warley were on the way, and they were received here only yesterday. Our dispatch box also contained a number of letters for yourselves, which I delivered to Mr. Memminger to be forwarded to you. Our interests in the cargo of the Gladiator have been confided by Consul Helm to Mr. Heyliger, the gentleman who was sent out on the Theodora and who is now back in Nassau. I inclose herein a letter and instructions for Mr. Heyliger, by the terms of which he is instructed to concert with your agents relative to the disposal to be made of the cargo so as to get it safely into some Confederate port. He is already on good terms with your correspondents as is evinced by his letters to me. I cannot take from him the control over the cargo, but under my instructions and the information given him about my arrangements with you I am entirely confident he and your agents will cordially co-operate in doing the best for getting the cargo out of Nassau. It is of course out of the question now to await the chances of a convoy from an English vessel, and we can only get in any portion of the munitions of war by dividing the cargo into different ventures. I again repeat, bring us the small-arms and powder in preference to everything. Our need of them is urgent in the extreme. The freight must of course be settled for on your terms, but I will not conceal from you that I think them very hard. For a trip to England and back, a long and continuous risk, they might not be extravagant, but for so short a voyage they much exceed what seems to me reasonable. Let me know what time you expect to send the Cecile.

Yours, respectfully,

J. P. BENJAMIN,
Secretary of War.

P. S.—I suppose you will also send the Ella Warley. I take it for granted that two of these vessels are of sufficient capacity to take the whole cargo of the Gladiator, and that if three are employed they will be partially loaded by yourselves. I could not consent to pay the value of three steamers to bring in one cargo, besides risking the loss of one or more of the cargoes.

J. P. B.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 5, 1862.

LOUIS HEYLIGER, Esq.,
Nassau, New Providence:

MY DEAR SIR: Your several favors by the Theodora and Ella Warley have been received, and your action in the accomplishment of your mission fully approved. I regret to say that it will be some weeks yet before the Theodora, which made port at Wilmington, will be ready to put to sea. In the interval I have arranged with Messrs. John Fraser & Co. to aid in getting home the cargo of the Gladiator, or such portions of it as you may be able to have transshipped on their steamers. I do not, of course, desire to interfere with your discretion, you being on the spot, in the measures to be taken to get into safe harbor the valuable cargo of the Gladiator, but I would like you to consult with the agents of Messrs. Fraser & Co., and concert with them for the unloading and dividing of the cargo into different ventures, so that we may not put all at risk at once.

I will write to Governor Moore and inform him of your detention, and have no doubt that your official position will be preserved for you.

Your disposal of the cotton at Nassau, even at 22 cents, would be satisfactory, and I am much pleased that you declined shipping it on advances to New York, as such a disposal of it would be the subject of much censure.

The Northern Government has, as you will have been informed, submitted to the peremptory demand of Great Britain for the surrender of Mason and Slidell, and thus there is no prospect of immediate hostilities between those two powers, although everything portends the rupture of their friendly relations at no distant day; still, we cannot wait for such eventualities, and must now abandon any hope of having the Gladiator convoyed, and rely on ourselves alone for getting in her cargo.

The Fingal is still very closely blockaded in Savannah, and, indeed, the whole attention of the enemy seems to be diverted to that port, and they appear to rely principally on their stone fleet for the blockade of Charleston. At Brunswick, in Georgia, there have been no enemy's vessels in two months past. The fort is a fine one, and there is a railroad leading directly to Savannah. At Wilmington there is hardly a show of a blockade. At Georgetown, S. C., hardly any risk. If a vessel could manage to approach any one of these ports so as to make the last sixty or seventy miles of her run during the night, there is scarcely a chance of her capture.

We have no news in the army way. The entire force of our enemy, vast as they are, remain paralyzed before us at every point on our extended frontier, and apart from a few marauding excursions by predatory parties who rarely venture beyond the cover of the heavy guns of their shipping or intrenchments, we scarcely know that we are at war. With greatly inferior numbers we hold them in check everywhere on the mainland, and no example in history more strikingly illustrates the impossibility of conquering a country whose inhabitants are resolute in defense, no matter what may be the disparity of numbers and available means.

I hope this letter will reach Charleston in time for the Carolina, which is soon to be followed by another steamer owned by Messrs. Fraser & Co.

Yours, very truly,

J. P. BENJAMIN,
Secretary of War.

[JANUARY 5, 1862.—For Benjamin to J. E. Johnston, in relation to newspaper publications, &c., see Series I, Vol. V, p. 1020.]

[JANUARY 5, 1862.—For Benjamin to Milton, in relation to organization of troops in Florida, &c., see Series I, Vol. LIII, p. 210.]

HOUSTON, *January 5, 1862.*

Col. J. GORGAS,
Chief of Ordnance Department, C. S. Army:

SIR: I found on my arrival here that Messrs. R. and D. G. Mills had, in accordance with arrangements made with them as I passed through here on my way to Richmond, already on the way to Mexico

over 2,000 bales of cotton, the proceeds of which I shall use in payment for arms, &c., at Matamoras. I have advices of the loading of the two vessels dispatched from Matamoras by myself and Mr. Stillman, with powder and other articles in the British provinces, and am looking daily for their arrival. I have made further arrangements with Messrs. Mills by which we shall be able to get as much cotton into Mexico as I shall require to meet payments for arms, &c., that may arrive at Matamoras. I leave to-morrow for Austin for the bonds, and from there to Matamoras, and will keep you advised of my operations.

Yours, truly,

G. H. GIDDINGS.

GENERAL ORDERS, No. 2.

WAR DEPARTMENT, ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 6, 1862.*

I. The following act of Congress and regulations in reference thereto are published for the information of the Army:

AN ACT for the recruiting service of the Provisional Army of the Confederate States.

SECTION 1. *The Congress of the Confederate States [of America] do enact*, That the Secretary of War be, and he is hereby, authorized to adopt measures for recruiting and enlisting men for companies for service in the war,* or three years, which by the casualties of the service have been reduced by death and discharges.

SEC. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to detail the company commissioned officers for the above duty in such numbers and at such times as in his opinion will best comport with the public service, the officers thus appointed to enlist and recruit for their respective companies.

Approved December 19, 1861.

II. Commanding officers of all war regiments, battalions, squadrons, and independent companies will detail for recruiting service, subject to approval of the commanding officer of the army with which they are serving, a subaltern and one non-commissioned officer or private from each war company below the minimum organization, with instructions to proceed to the neighborhood where his company was raised and there enlist recruits to raise the company to the maximum organization.

III. Officers detailed for recruiting service will make requisitions on the Adjutant and Inspector General for recruiting funds, reporting the station to which they have been ordered, the company and regiment for which they have been directed to recruit, and the post town, county, and State to which letters for them should be addressed. A similar report should also be made to the Commissary and Quartermaster's Departments, in order that the required instructions may issue to the proper officers of these departments to fill the requisitions necessary for such recruiting purposes.

IV. As soon as possible after the enlistment of a recruit he shall be inspected by a commissioned surgeon or assistant surgeon of the Confederate States, and if unfit for service shall be rejected. In all cases this inspection shall take place before the recruit leaves the State in which he is enlisted.

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* In the Statutes at Large this reads: "in service for the war."

V. A commutation for rations, at the rate of twenty-five cents per ration, shall be allowed to each recruit from the date of his enlistment until he is supplied regularly with subsistence by an officer of the Commissary Department.

VI. No clothing nor commutation for clothing will be allowed a recruit until after inspection. As soon as possible after inspection and muster the recruit will be supplied with clothing, or commutation therefor, by the nearest quartermaster, in accordance with regulations.

VII. The time allowed for recruiting will in no case extend beyond thirty days, at the expiration whereof the recruiting party, with the enlisted men, will proceed to join their company.

VIII. Officers in charge of recruiting parties will keep a strict account of the disbursements made by them of moneys placed in their hands for the recruiting service, taking duplicate receipts for every item of expenditure. One set of these receipts will be retained by the officer for his security. The other set, with an account current, will at the expiration of the recruiting term be transmitted to the Adjutant and Inspector General for final settlement at the Treasury. These vouchers and accounts current, addressed to the Adjutant and Inspector General, will be marked on the upper right-hand corner of the envelope which covers them "Recruiting service." *

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, January 6, 1862.

His Excellency HENRY T. CLARK,
Raleigh:

SIR: I am informed by the Chief of Ordnance that the Ordnance Bureau is in need of leather to conduct its operations, and that it can be procured much cheaper in North Carolina than here. I therefore request that you will authorize the exportation of such leather as may be purchased by the agents of the Ordnance Bureau for the service of the Government.

Respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

GENERAL ORDERS, No. 3.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, January 9, 1862.

I. The following order of Major-General Bragg is adopted by the War Department, and is republished for the information and government of the Army:

1. To insure proper economy in the administration of our military affairs is as necessary to the success of our cause as the defeat of our enemy. All commanders and disbursing officers in this department will be required to give their closest attention to expenditures, seeing they are necessary and in conformity to law. A rigid scrutiny will be made by the commanding general and the chiefs of his staff, and abuses will be promptly exposed and checked.

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* For resulting correspondence, see foot-note reference, Series I, Vol. V, p. 1023.

In location of troops commanders and quartermasters will consult economy and efficiency. The vicinity of cities and towns will be avoided as far as possible, in order to secure health and escape the demoralizing effects of dissipation. Rents will not be paid unless absolutely necessary. Fuel will be supplied as far as practicable by the labor of the troops, encampments being selected with this view. And works of defense and huts for the winter will be built by the labor of soldiers—officers being required in all instances to remain with and share the duties of their men.

2. Commanders of all grades are earnestly called upon to suppress drunkenness by every means in their power. It is the cause of nearly every evil from which we suffer; the largest portion of our sickness and mortality results from it; our guard-houses are filled by it; officers are constantly called from their duties to form courts-martial in consequence of it; inefficiency in our troops and consequent danger to our cause is the inevitable result. No one is benefited but the miserable wretch who is too cowardly to defend a country he is willing to sell by destroying those noble faculties he has never possessed. Gallant soldiers should scorn to yield to such temptations, and intelligent and honorable officers should set them an example. They should be encouraged to send to their families and friends the pay they receive for their services, instead of wasting it in their own destruction and at the risk of the holy cause in which they are engaged. Small as the amount is, it will cause many a dear one to rise up and call them blessed.

"Give strong drink unto him that is ready to perish, and wine to those that be of heavy heart"—but for us, the glorious cause in which we are engaged should furnish all the excitement and enthusiasm necessary for our success.

The enemy, in large and increasing numbers, is upon our coasts. Let us cease all amusements and frivolities and prepare diligently to meet him in defense of our homes, our firesides, and our altars.

II. The introduction of spirituous liquors into any camp, barrack, or station of the Army, except for medicinal purposes, duly recommended by the senior medical officer and approved by the general or other officer in command, is hereby expressly prohibited, and all spirituous liquors found in any of said camps, barracks, or stations, not authorized as above, will be confiscated or destroyed under direction of the general or other officer in command.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

CHARLESTON, *January 7, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War:

DEAR SIR: We are this moment in receipt of your letter of 5th instant, and if we did not suppose you had in some particular misapprehended the terms upon which we proposed to make the effort to bring over the Gladiator's cargo we would feel very much discouraged and disappointed at the opinion you express upon them. Permit us, if you please, succinctly to state the propositions involved:

1. The steamers are sent out at our risk and expense, and if lost on the outer voyage the Government contributes nothing to the loss.

2. If on their arrival at Nassau any other disposition has been made of the Gladiator's cargo the Government is again to pay us nothing.

3. If, taking in cargo from the Gladiator, or not taking cargo from her, our steamers should be captured or lost on the return voyage, the Government is again to pay us nothing, except in the case of stranding the vessel and saving and delivering the cargo.

4. Only in the case of returning safely with the cargo is the Government to pay anything; then the payment to be the value of the steamer for a full cargo and in proportion for a part.

We do not believe on a careful revision of these terms you will continue in the opinion that they exceed what is reasonable. We take the liberty of adding what we were unwilling to do before, that we had other business laid out for those vessels much more remunerative to the owners, which we persuaded them to abandon from a sincere desire to promote the measures of the Government. Under these circumstances it will be a great relief to us if you will telegraph us that the terms we have stated are satisfactory. In the case of the steamer Gordon or Theodora the Government paid $10,000 for the charter and agreed to pay for the vessel, if lost, $60,000. The Cecile and Carolina will either of them carry four times as many goods as the Gordon. At the same rate you would pay $40,000 charter money for those vessels (each) and $65,000 if lost. Is it not better to pay $65,000 if they arrive safely with the goods and nothing if they be lost?

We remain, yours, most respectfully,

JNO. FRASER & CO.

[JANUARY 8, 1862.—For Davis to C. F. Jackson, in relation to transfer of Missouri troops to the Confederate Government, &c., see Series I, Vol. VIII, p. 733.]

AN ACT making appropriations for certain floating defenses.

Be it enacted by the Congress of the Confederate States of America, That the sum of one million of dollars be, and the same is hereby, appropriated for floating defenses for the Western rivers, to be expended, at the discretion of the President, by the Secretary of War or Secretary of the Navy, as he shall direct.

Approved January 9, 1862.

NEW ORLEANS, *January 9, 1862.*

Hon. J. P. BENJAMIN,

Secretary of War, Richmond:

SIR: Your letter of the 24th, [ultimo] directed to me at Baton Rouge, was only received two or three days ago, as I was on Red River during the holidays. I shall at once comply with your wishes and the views of the Government in withdrawing all impediments to the shipment of cotton from this State. I never supposed that I had any legal authority to obstruct the shipment of cotton. The power that I exercised was in deference to and thoroughly supported by the well-matured opinion of the people of this city and State. Like other assumptions of power by me, it was sustained by public opinion, without which it would not have been undertaken and would certainly have been disregarded. The rule which I adopted, and from which there were I think but two deviations, was to give permits to send cotton abroad only to those persons who had previously brought in cargoes. It is my settled conviction that as soon as the restrictions are removed cotton will be freely shipped from New Orleans. It will be impossible to distinguish between persons in good faith and those in bad faith; all will promise to bring in return cargoes, and to the extent of the means of transportation within reach cotton will be sent abroad. It is very easy to get out of some, and indeed all our

numerous inlets from the sea. It is very difficult to get in, and the cotton shipped will find its way directly or indirectly to Northern ports, as it is next to impossible even for good citizens to resist the temptation of selling to the highest bidder. Besides, this is a city of cotton speculators of all nationalities, who care but little for any consideration not immediately affecting results in profits. I believe there will be collusion between the enemy and shippers in many cases, and that the only parties to be benefited will be the Northern purchaser and the exporter. The planter will derive no advantage, as he can sell cotton now at 8½ cents on the plantation. Our Government will derive the advantage of the export duty, but nothing more.

I have stated in brief the reasons that influenced the course adopted by me, not with any purpose to dispute the correctness of the opinions you entertain on the subject, but only with the view of informing you of the conclusions to which I arrived and upon which my action was predicated. If you deem it advisable not to permit cotton to be shipped without a special permit I hope you will issue the necessary orders to the officers in command here. It will be impossible for me to interfere so as to distinguish between those to be trusted and those not to be trusted. I should be obliged to regard all alike. The pending applications are very numerous, as but two were granted during my absence, one of which was to a Spanish house that had brought in two cargoes, and the other to the steamship Tennessee, in which the Government is interested, as stated by General Lovell. A quantity of sugar and molasses has been sent to me as donations—some for the general use of the Army and a portion for particular companies. Will the Government pay the freight if I forward the sugar and molasses? Please answer.

Very respectfully, your obedient servant,

THO. O. MOORE.

P. S.—I should have stated that permits to bring cotton to New Orleans will be obtained under color of a purpose to ship, but when once here may, I am apprehensive, never find its way from the city.

RICHMOND, *January 10, 1862.*

Hon. T. S. BOCOCK,
Present:

SIR: I am directed by the Adjutant and Inspector General to say, in reply to your communication of this date relative to troops furnished by Georgia and Virginia, that Virginia has fifty-eight regiments infantry, eight regiments of cavalry, and unattached companies equivalent to eight regiments; total, seventy-four regiments volunteers for twelve months' service. Georgia has thirty-seven regiments, and independent companies and battalions equivalent to four regiments; forty-one regiments. Twenty-six of these are for the war; the remainder for twelve months. Georgia has more regiments for the war than any other State. Virginia has no troops for the war save a battalion of about 500 men and a few artillery companies.

I am, sir, very respectfully, &c.,

R. H. CHILTON,
Assistant Adjutant-General.

AN ACT appropriating $14,850,000 for the military service.

The Congress of the Confederate States of America do enact, That the sum of $14,400,000 be, and is hereby, appropriated for the pay of bounty and transportation, or commutation thereof, for 150,000 men under the act providing for re-enlistment of twelve-months' men.

SEC. 2. That the sum of $450,000 be, and is hereby, appropriated for expenses under the act for recruiting recently passed.

SEC. 3. That the sum of $800 be, and is hereby, appropriated for the salary of the Assistant Secretary of War, to the first day of April, eighteen hundred and sixty-two, as per estimates of the Secretary of War of the twenty-seventh of December, eighteen hundred and sixty-one.

Approved January 11, 1862.

AUSTIN, TEX., *January 11, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War Confederate States of America:

SIR: This will introduce to you my brother, who visits Richmond as bearer of dispatches from Governor Lubbock to yourself. Governor Lubbock does not feel authorized under the act of the Legislature of this State (a copy of which he will forward you) and your letter of December 2 to him in relation to certain U. S. bonds held by this State, to use them as indicated in your letter without further consulting you on the subject. The Governor is desirous of doing all that he can consistent with his duties as Governor, and will willingly exchange the U. S. bonds for Confederate bonds, to be applied as you may wish in the purchase of arms, &c., but prefers such purchases should be made by and at the risk of the Confederacy. Such bonds as may not be used he will receive back the same as if never been handed me. I trust you will so arrange it that the U. S. bonds can be used, and any instructions as to the risks to be taken will be faithfully carried out. This I will say, that I will take no greater risks than I do, or am now taking, with my own funds. Should you prefer to charge to my account the bonds to be accounted for at such prices as I may be able to realize for them you are at liberty to do so, and I will render strict account of sales and use them to a good advantage, as by having these bonds with me at Matamoras I would be able to not only meet all payments under existing contracts, but could secure all arms and munitions of war imported by merchants. I do not consider the risk great, particularly if the bonds are not sent abroad. I have made satisfactory arrangements with Messrs. R. and D. G. Mills in relation to cotton, but the land transportation is slow, and it will take some time to get much cotton to Matamoras.

I am, sir, respectfully, your obedient servant,

G. H. GIDDINGS.

P. S.—Governor Lubbock kindly gave me a permit to transport cotton to Mexico for the purposes indicated in your order to me.

G. H. G.

[JANUARY 12, 1862.—For Benjamin to Milton, in relation to the organization of troops in Florida, &c., see Series I, Vol. LIII, p. 213.]

NASHVILLE, *January 12, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: I hope you will excuse me for pressing upon your consideration a matter of high importance to the future operations of the Government in the present struggle. I refer to the rolling-stock upon the railroads. Under the enormous pressure of freight the locomotives and cars are rapidly wearing out, and the period is not distant when transportation upon the roads will be exceedingly difficult, and on many routes impossible. I do not pretend to know the capacity of companies at a distance from this point in this respect, but I suppose it to be limited; and I am not aware of any means on foot to supply any accruing deficiency. As these roads are either under the direct control of the Government, or for the time being in its special use, would it not be wise for the Government to induce, by negotiation with several of the strongest companies, the speedy creation of establishments adapted to the manufacture of both locomotives and cars? This might be done by the advancement of money upon mortgage or other security, to be refunded in freight or paid at some stipulated time. The companies have a permanent and ordinary interest in the question, which it seems to me might be easily enlisted, while the Government has a present, pressing, and vital interest which will admit of no delay or evasion.

If some such arrangement cannot be made, then will not the Government be forced to organize some one or more establishments of its own to meet the emergency? To keep up the roads is now a means of defense second in importance only to supplying munitions of war. The policy of a Government establishment I know is objectionable for many reasons, not the least of which would be its cost. It may be that independent private enterprise might be prompted to undertake the work upon a liberal advance. The subject has for some time forced itself upon my observation and I had hoped to see private capital volunteer in the cause. This, however, has not been done within my knowledge, and I fear, from the continual depression in monetary affairs, will not. Unless something is done, and that speedily, there is much cause to apprehend a failure on many of these thoroughfares in the means of transportation. I know that the roads which converge at this point are deficient in this respect and incapable of furnishing prompt transportation for troops and munitions, to say nothing of ordinary supplies.

You may, perhaps, have been troubled with this same question from other quarters. If so, you will excuse, I hope, this intrusion.

Very respectfully,

NEILL S. BROWN.

RICHMOND, *January 13, 1862.*

Col. A. C. MYERS,
Quartermaster-General, Richmond, Va.:

SIR: The following rule has been adopted by the Secretary of War, which he directs shall be applied to all applications for the detail or discharge of soldiers in the cases referred to:

When soldiers are required as workmen in the public workshops, under the superintendence of Government officers, they may be detailed or discharged for

that purpose; but when they are wanted by contractors to enable them to complete their contract with the Government, though for the benefit of the Army, soldiers cannot be discharged or detailed for such purposes except by furnishing a substitute.

The terms upon which substitutes are accepted by the Government are set forth in the circular of the War Department, copy herewith.*

Very respectfully, &c.,

R. H. CHILTON,
Assistant Adjutant-General.

EXECUTIVE DEPARTMENT,
Austin, January 13, 1862.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond:

DEAR SIR: Your highly esteemed favor of December 2, 1861, was received on the 9th instant, through Mr. George H. Giddings. Immediately on its receipt the Executive, having no control over the securities alluded to in your communication, submitted the matter to the Legislature, then in session, recommending that the proper action be taken in the premises. The Legislature very promptly passed an act to meet the emergency, which was approved on January 11, 1862, a copy of which I have the honor to transmit to you. The act is not as clear as it might have been made, I presume from the fact that it was deemed best not to make known the particular character of the securities sought to be disposed of. You will perceive that by the act a military board is created, composed of the Governor, comptroller, and treasurer, any two of whom may act, &c. You will also see that the act contemplates that for any of the bonds disposed of (meaning the U. S. bonds) a like amount of Confederate bonds shall be placed in the State treasury to the credit of the fund to which these bonds properly belong, viz, the school fund. Upon an examination this morning of your letter to the Executive before referred to, the Board was doubtful as to the authority of Mr. Giddings to receipt to us for the bonds as the agent of the Government, but from our knowledge of Mr. Giddings, and the many evidences he has with him of the confidence reposed in him by the War Department, together with the fact that he is now expecting valuable arrivals at Matamoras, at his solicitation we have placed in his hands as per receipt, a copy of which please find inclosed, $100,000 of the U. S. bonds, which we trust will meet your approbation. The Board would prefer, as Mr. Giddings is the agent of the Government, to place in his hands the U. S. bonds that can be negotiated, giving the Confederate States Government the entire control of them. In return we expect to receive the Confederate 8 per cent. bonds, with of course the understanding that should you fail to use any portion of the bonds then and in that case the bonds so undisposed of will be received back by the State of Texas. These bonds belong to our school fund, and are held very sacred by our laws as well as by the people. Nothing but a military necessity would induce them to divert them from that fund.

Deeming this matter of great importance, we have dispatched Mr. J. D. Giddings, one of our most reliable citizens, to Richmond, that he might interview with you on this subject. We trust that you will accept our proposal, and that you will return by Mr. J. D. Giddings

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*See October 20, 1861, p. 694.

such acceptance, or that you will send to Mr. George H. Giddings full authority to execute to us the necessary receipts. We sincerely hope that in the exchange of these funds much benefit may be derived by the Confederate States, and that by their use arms, ammunition, &c., may be purchased that will materially aid in driving from our soil the base and foul invaders.

We have the honor to be, yours, very respectfully,

F. R. LUBBOCK,
CLEM. R. JOHNS,
C. H. RANDOLPH,
Military Board.

[Inclosure No. 1.]

AN ACT to provide funds for military purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Governor, comptroller, and treasurer shall constitute a military board, and a majority of said board shall have the power to provide for the defense of the State by means of any bonds and coupons which may be in the treasury on any account, and may so use such funds or their proceeds, and therefore may sell, hypothecate, or barter such bonds and coupons, provided such disposal shall not exceed the amount of $1,000,000 of such bonds and coupons, and that they shall not be disposed of at any discount greater than 20 per cent. of their face amounts.

SEC. 2. Any bonds which may be disposed of under the provisions of this act shall be substituted by equal amounts of any bonds of the Confederate States of America that may be obtained by this State, and the bonds so substituted, respectively, in all respects shall be in place of the funds disposed of as aforesaid.

SEC. 3. That this act be in force from and after its passage.

N. H. DARNELL,
Speaker of the House of Representatives.
JNO. M. CROCKETT,
President of the Senate.

Approved January 11, 1862.

F. R. LUBBOCK.

EXECUTIVE DEPARTMENT,
Austin, January 13, 1862.

I certify that the foregoing is a true copy of the original act.

F. R. LUBBOCK.

[Inclosure No. 2.]

Received, Austin, January 13, 1862, of F. R. Lubbock, Governor; C. R. Johns, comptroller; and C. H. Randolph, treasurer, constituting the military board established by the Legislature of the State of Texas, 100 U. S. bonds bearing 5 per cent. interest of $1,000 each, with coupons attached, which bonds I hereby receive and take charge of as the agent of the Ordnance Bureau of the Confederate States Government for the purchase of arms and munitions of war generally, with the positive understanding that the War Department will recognize my authority and pay over to the military board aforesaid bonds of the Confederate States for a like amount bearing 8 per cent. interest.

Witness my hand:

G. H. GIDDINGS,
Agent Ordnance Bureau.

The bonds delivered are numbered from 4,220 to 4,319, inclusive.

G. H. G.

I certify that the foregoing is a true copy of the original in the executive department.

F. R. LUBBOCK.

AUSTIN, TEX., *January 13, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War Confederate States of America:

SIR: This will introduce to you my brother, who is bearer of dispatches from Governor Lubbock to yourself, which will fully explain the object of his mission. Notwithstanding the Governor, comptroller, and treasurer, constituting the military board, acting under authority of an act of our Legislature, a copy of which is forwarded you, did not feel fully authorized to hand me the U. S. bonds in view of the fact that your letter seemed to contemplate that the State was to make the purchase of arms, &c., have handed me $100,000 in said 5 per cent. U. S. bonds, and I have receipted to said board for the same as agent of the Ordnance Bureau, which I trust will meet your approval. I shall act cautiously and discreetly, and run no risks, nor go or send these bonds to Havana until I hear from you on the subject. The State has some $700,000 or $800,000 of these bonds, and by the time my brother returns I will be able to report how many of them I can use in Matamoras without any risk. My brother will fully explain all my transactions in regard to getting arms, &c.

I am, sir, yours, respectfully,

G. H. GIDDINGS.

AN ACT supplementary to an act making appropriations for certain floating defenses, approved January ninth, eighteen hundred and sixty-two.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to raise a corps for the temporary and special service on the Western waters, to cause to be enlisted a number of men not exceeding 6,000, and of such commissioned and non-commissioned officers, and of such rank, either naval or military, as the President may deem necessary, who shall severally receive such pay and allowances as he may determine.

Approved January 14, 1862.

[JANUARY 14, 1862.—For Bragg to Benjamin, relative to encouragement of re-enlistments, &c., see Series I, Vol. VI, p. 806.]

OFFICE GREENVILLE AND COLUMBIA RAILROAD COMPANY,
Abbeville, S. C., January 14, 1862.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: At a meeting of railroad men at Montgomery in April last it was resolved that our railroad companies would transport munitions

of war, provisions, &c., for the Confederate States at half our usual charges, and Confederate soldiers at 2 cents per mile. Since that time we have been rendering services at those rates. The business on our road has greatly decreased in consequence of the disturbed condition of public affairs, so that we are not making interest on our debt, and expenses. Our stockholders have realized no dividends. Their stock is taxed by the Government as though it were profitable. This tax on the stock my company must pay and relieve the stockholders. The Post-Office Department pays us nothing. The Postmaster-General has adopted the self-sustaining principle and we have not been refunded the amount advanced and paid by us for messengers.

Under these circumstances we are compelled to advance our charges or cease altogether to run our trains. I have ordered that the Confederate States be hereafter charged 3 cents per mile for soldiers and that our regular charges on all freight for the Government be restored. I do this not for the purpose of making dividends for my stockholders—they are willing to serve the Government for nothing—but simply as a vital measure to enable us to run our trains.

Very respectfully, your obedient servant,

THOS. C. PERRIN,
President.

AN ACT to reward the loyalty of the principal chief of the Seminole Nation.

The Congress of the Confederate States of America do enact, That the President of the Confederate States be authorized to present to Hin-i-ha Micco, or John Jumper, a commission, conferring upon him the honorary title of lieutenant-colonel of the Army of the Confederate States, but without creating or imposing the duties of actual service or command, or pay, as a complimentary mark of honor and a token of good will and confidence in his friendship, good faith, and loyalty to this Government, and to procure and present him with a complete uniform of that rank and grade, a saber, and a Maynard rifle, with a liberal supply of ammunition for the same. And the sum of $250 is hereby appropriated for the purchase of the said uniform and arms.

Approved January 16, 1862.

[JANUARY 16, 1862.—For Benjamin to Polk, in reference to raising troops in Tennessee, &c., see Series I, Vol. VII, p. 833.]

RICHMOND, *January 16, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: One of the objects of the interview requested was to lay before you the plan for an organized system and effort for obtaining supplies by importation. These supplies are those needed by Government; by merchants of general merchandise, the want of which is manifested by double and treble and in some cases quadruple and quintuple prices; by railroads, for want of which every road in the Southern Confederacy is crippled, and by the arts and manufactures which are

perhaps more imperiously demanded than any other. Many new manufacturing establishments, otherwise ready to go into operation, are kept back for want of one or two indispensable articles, and many old establishments will soon be compelled to suspend without them. One article is named which ordinarily costs 2 cents per pound, and now brings $1; and a list of 500 articles can be shown which are selling from ten to forty fold advance on former cost. Probably each $1,000 worth of these key articles would make at least $50,000 worth of Southern manufactures immediately available to the pressing wants of the people. It would seem, then, that any plan which would insure these much needed importations would be of the greatest public and private benefit. The Government can of course get its own immediate wants filled, but not so the others without other combinations. The Government cannot of course be indifferent to the condition of the manufactures from which it draws many of its own supplies, nor that of the railroads upon which it is dependent not only for supplies but for strategic combinations. I submit, too, whether the Government could not, through the suggested combination, get its own importations more surely, promptly, and cheaply than through any other method. The combination here is simply that the Government combine for a part of its own supplies with the importers of merchandise, manufactures, and the railway companies, making their orders from the English combination named below. It will be seen that that organization is designed to cover large operations. The profit on the wants of a single interest would not be sufficient to induce it, while the aggregate profits of the whole would. The European combination is simply an association of European capital and enterprise for the purpose of sending goods to the Confederate States during the war. Without such a combination I am certain that no such exportations will be made to any extent. Trade is nowhere so perfectly systemized—I may say channelized—as in England, where the base of expected operations will be located. It is governed by rules which have almost the force of legal enactments. One of these rules is to make no ventures outside the scope of legitimate traffic, and it is considered destructive to commercial character to do so. Firms, then, as business operations, will not send goods to this country in any quantities, and only when stimulated by extraordinary profits. In proof of this I may cite the fact that the extremely high prices that have ruled since last spring have not induced these exports, notwithstanding the great efforts made by myself and others to start them. Why? First, the rules of trade above named, the great risk if a firm owned the entire cargo, and the publicity given by any attempt for a small combination; the want of knowledge as to what was wanted here and the prices they would command; and finally, because they were not sufficiently interested to inaugurate and perfect a system that would include the elements of secrecy, security, and knowledge of what was wanted and the prices they would command. Again, they wanted reliable information of the risks of capture, of the ports on this side, of pilotage, &c., which even the few disposed to venture could not get except in rare cases. A combination of interests here could supply these all-important desiderati upon which the European combination will be built up, which will insure exportations to this country. For while, for the reasons before named, the merchants—as business operations—will not make large ventures, they as a mass are friendly to the South, are looking eagerly to the future $600,000,000 of annual reciprocal trade between Europe and the Confederate States, and are exceedingly

desirous of placing themselves favorably with our people, and will each contribute to an export fund, the inducement being the placing the proof of friendly interest so important to their future trade, while properly conducted there is not only a moral certainty of no loss, but of large profit. The plan is for, say, 100 firms to contribute an average of £2,000 each, or in all $1,000,000, placing the whole matter under the control of a single manager. This is for the purpose of securing the necessary elements of secrecy. Then to get up other similar organizations, say to the number of five, making a total export capital of $5,000,000. Then for the five managers to contribute equally to the cargoes; thus, if their average cost was $250,000, each man's venture would be distributed in twenty bottoms, which brings in the element of mutual insurance. Under a proper system there would be a virtual certainty that three-fourths or four-fifths would get in safely, as can be proved by the operations of Fraser & Co. and others. At an average profit of only 100 per cent. (many articles paying from 500 to 1,000 per cent.), but one-half would have to get in to save loss. If two-thirds, three-fourths, or four-fifths, there would be respective profits of $1,750,000, $2,500,000, and $3,000,000 on each $5,000,000 exported, with a still larger profit on the return cargoes at far less risk. While, therefore, there would be an almost absolute certainty of no loss there would be a moral assurance of a large profit. Here, then, are combined all the inducements that can be supposed to influence English merchants, the placing with our people, so anxiously desired, the proof of a disposition to aid us, so important to their future standing, combined with perfect safety against loss and the moral certainty of profit. I am certain this European combination can be made. It would, of course, have to be properly managed, and would require active, intelligent, and persevering effort in its organization, as do most important enterprises. So certain am I of success that I am ready to give it my personal attention on terms that will involve neither risk nor expense of any moment to the Government. The plan of shipments might be in part the one I had the honor of submitting to you from Nassau, or other plans, one of which I propose shall be made known to no human being on this side of the Atlantic except yourself, and to no others on the other side except the managers of the European combination. I forgot to mention that the European combination would expect the privilege of taking return cargoes of cotton, naval stores, &c., and a remission of Government duties during the war. I would state that this communication is in part made at the instance of distinguished merchants and railroad officials, for which reason I respectfully request a reply at your early convenience.

I have the honor to be, with high regard, your obedient servant,

D. T. BISBIE.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 17, 1862.

E. J. FORSTALL, Esq.,
New Orleans, La.:

SIR: The Government of the Confederacy is desirous of placing $1,000,000 in England for the necessities of the public service. As the obstructions now existing to commercial transactions are such as to render it very embarrassing to make remittances, I am authorized by the President to make proposals to any correspondent of foreign houses in New Orleans to the following effect, viz: That an advance

of $1,000,000 be placed at the disposal of the Government in England, for which the Government would pay a reasonable interest, and would place in the hands of the agent of such house on this side such number of bales of cotton as might be agreed to be sufficient to cover the advance; the cotton to be consigned for sale to the house abroad taking the advance, with the usual allowance of commissions on advances and sales, but the cotton to remain on this side until the blockade is raised. Knowing your position as the trusted agent of eminent foreign bankers, I submit the matter for your consideration, with the request that, if the proposal be not acceptable to you, you will be good enough to inform me at once, as well as to state whether there are any modifications that would render it acceptable. The cotton would, of course, be stored and insured at the expense of the Government at any convenient point designated, but not in a cotton port, during the existence of the blockade.

I am, respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

EXECUTIVE DEPARTMENT,
Richmond, January 17, 1862.

His Excellency GOVERNOR OF THE STATE OF LOUISIANA:

SIR: In compliance with a joint resolution of the General Assembly of Virginia, I have the honor to inclose herewith their resolutions approving the declaration of sentiment and purpose contained in certain joint resolutions of the Legislature of Georgia, and affirming and adopting the same, together with a communication addressed by me to the Legislature of this State upon the subject, and respectfully request that these documents may be laid before the Legislature of your State.

Very respectfully,

JOHN LETCHER.

[Inclosure No. 1.]

RESOLUTIONS approving the declarations of sentiment and purpose contained in certain joint resolutions of the Legislature of Georgia, and affirming and adopting the same. Agreed to January 8, 1862.

Resolved by the Senate and House of Delegates of the Commonwealth of Virginia, That the declarations of sentiment and purpose contained in the joint resolutions of the Legislature of Georgia, communicated this day, the 6th of January, 1862, to the General Assembly by the Governor of Virginia, are eminently just and patriotic, should be cordially and approvingly responded to by every State in the Southern Confederacy, and in the name and in behalf of this Commonwealth we do hereby affirm and adopt the same.

Resolved, That the action of this General Assembly be forthwith communicated to the Executives of each of the other States of the Confederacy, together with a copy of the message of Governor Letcher, accompanying the resolutions of the State of Georgia, to be by them laid before their respective Legislatures.

A copy from the rolls.

Teste.

WM. F. GORDON, JR.,
Clerk of the House of Delegates and
Keeper of the Rolls of Virginia.

[Inclosure No. 2.]

EXECUTIVE DEPARTMENT,
January 6 1862

GENTLEMEN OF THE SENATE AND HOUSE OF DELEGATES:

I have received from His Excellency Joseph E. Brown, Governor of the State of Georgia, a communication inclosing joint resolutions adopted by the Legislature of that State, and approved December 11, 1861. These resolutions relate to matters of the first importance and they command my cordial approbation. They declare the sentiment of the Southern Confederacy and will be enthusiastically responded to by the people of all classes.

In communicating these resolutions to the General Assembly I embrace the opportunity to fill up a hiatus in the history of our State growing out of her changed relations. Virginia dissolved her connection with the Government of the United States on the 17th day of April last, having watched closely the political conduct of President Lincoln and his Cabinet from the 4th day of March preceding. A large portion of our people believed, from the revelations of his inaugural message, that he designed to subjugate the South, and much of his policy, as developed in the first six weeks of his administration, tended to confirm and strengthen this belief. The appearance of his proclamation, however, calling upon Virginia and other States for volunteers, removed all doubts and made it plain and palpable that subjugation was his object, and military power would be the means used to effect it. He had revealed his purpose by the issue of this proclamation to use Virginians, if possible, in coercing their Southern slaveholding brethren into submission to his will and obedience to his governmental authority. Virginia, seeing that the only hope of preserving her rights and honor as a State and the liberties of her people consisted in dissolving her connection with the Government of the United States and resuming her sovereignty, adopted that course, and subsequently determined to unite her destiny with her Southern sisters. She did so, and her convention being at the time in session adopted such ordinances and regulations as were necessary to protect her citizens against the machinations of enemies at home and the encroachments of enemies from abroad.

Events that have transpired since the 17th day of April last have more than confirmed the worst apprehensions of the people of Virginia, and have furnished an ample and complete justification for the secession of the State. All the wicked results apprehended when she seceded have been fearfully realized, and they now constitute an important chapter in the history of the stirring times in which we live. Such were the considerations that influenced and determined the action of Virginia.

I now propose to show that while President Lincoln professes to have inaugurated this war for the preservation and perpetuation of the Constitution of the United States in its spirit and letter, he has violated in the most direct manner many of its most important provisions. I propose, in the next place, to compare his conduct with the conduct of George III, and prove by reference to the Declaration of Independence that most of his acts have been identical with those denounced by our forefathers as justifiable ground for our separation from the mother Government.

The war which has been waged against us by President Lincoln is the most unnatural and at the same time the most disgraceful that

has ever occurred. We are struggling for our rights and liberties, for the protection of our persons and property, and for the preservation of the honor and institutions of the South. The ruthless assault that has been made upon us and the unjustifiable attempts to reduce us to submission present a most extraordinary spectacle in the eyes of the civilized world.

When a Secretary of War can quietly seat himself at his desk and coolly, calmly, and deliberately commit to paper a recommendation to arm the slaves of the Southern States, place them in the field, and incite them to hostility against their masters and the destruction of their families, what extreme may we not reasonably anticipate from an Administration that retains such an official in its service? When an Administration can go to work to destroy ports in States over which they claim to have jurisdiction by sinking obstructions in the channels of our rivers and harbors (a policy unheard of among civilized nations), what enormity may we not be prepared to expect?

President Lincoln and his Cabinet have annulled the Constitution; have suspended the writ of habeas corpus, and have declared martial law without constitutional warrant but in defiance of it. Representative government has ceased to command their respect, and the direct tendency now in what remains of the late United States Government is inevitably toward consolidation and despotism. Passion and prejudice, avarice and selfishness, malignity and meanness, have controlled their action and directed their efforts against us.

Having presented these general views, I now present specifications, showing in what particulars the Constitution has been violated. Some of these specifications show violations anterior to the secession of Virginia, others show violations equally palpable subsequent to her secession.

In the preamble to the Constitution of the United States our forefathers declared the purposes and objects they had in view in the formation of the Government, and those purposes and objects were "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty" to themselves and their posterity. The Government has been so administered and directed as to defeat all these purposes and objects. Justice has not been established, nor is it respected by President Lincoln and his Cabinet. Domestic tranquillity has not been insured, but domestic disturbance has been inaugurated and encouraged. The common defense has not been provided for, but Northern arms have been leveled at Southern breasts, and the welfare of our people has been totally disregarded. The blessings of liberty have not been secured to us, but we have found the Federal authorities exerting all their power and using all the means at their command to reduce the Southern people to abject submission to Northern numbers.

President Lincoln and his Cabinet have willfully and deliberately proposed to violate every provision of the third section of the fourth article of the Constitution, which each one of them solemnly swore or affirmed, in the presence of Almighty God, "to preserve, protect, and defend." That section is in these words:

> New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

They have deliberately proposed to annex certain counties in Maryland to Virginia, and thus form the new State of Kanawha, within the jurisdiction of Virginia, without the consent of the Legislatures of those States and of Congress. They have proposed to take the four counties lying in the Panhandle from Virginia and attach them to Pennsylvania without the consent of the Legislatures of the States interested and of Congress. They have proposed to join the eastern counties of Virginia to Maryland, and thus make a new State by the junction of parts of two States, without the consent of the Legislatures of those States and of Congress. These propositions present a most plain and glaring violation of the Constitution, and evidence an intensity of malignity toward Virginia and Virginians without a parallel in the history of the United States.

The first amendment to the Constitution declares that "Congress shall make no law abridging the freedom of speech or of the press." President Lincoln and his Cabinet have willfully disregarded the spirit of this article. Numerous instances could be cited to prove that the solemnities of an oath have not restrained them in their efforts to abridge the freedom of speech and to muzzle the press. The numberless arrests made by them in Western and Eastern Virginia, in Kentucky, in Missouri, in Maryland, in Washington City, and also in the free States, when nothing more was charged against the parties arrested than the declaration of their opinions in condemnation of the policy of President Lincoln and his Cabinet, shows that freedom of speech is not tolerated by them. The notorious fact that papers have been suppressed in New York, Philadelphia, and elsewhere by the exercise of executive power fully attests a scandalous usurpation for the destruction of the independence of the press.

President Lincoln and his Cabinet and the military officers under their direction and control have violated the fourth article of the amendments to the Constitution, which guarantees "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures," and declares that it "shall not be violated." This article has been habitually disregarded, and every observant man will call to mind numerous instances of its violation, the results of suspicion merely.

He and his Cabinet have violated as deliberately and willfully the fifth article of the amendments to the Constitution, which is in these words:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger: nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Without a presentment or indictment of a grand jury they have, on mere suspicion of crime, caused men and women to be arrested and confined under strong guards, and have detained them for weeks and months. They have prostituted the telegraph to their use for the purpose of communicating orders for the arrest of suspected persons, repudiating all those safeguards which the law has wisely thrown around the citizen for his protection. Desolation has followed in the footsteps of the Federal Army. Neither life, liberty, nor property has

been respected by them. They have murdered many of the best citizens of the country. They have incarcerated others in jails and forts, and they have seized and appropriated private property to public use without due process of law, and without making just compensation to the owner.

He and his Cabinet have disregarded the injunctions of the sixth article of the amendments to the Constitution not less flagrantly than those to which I have referred. That article declares:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

He and his Cabinet have seized large numbers of our citizens, withdrawn them from their homes, their families, and their business, cast them into loathsome prisons, refused to inform them of the cause and nature of the accusation against them, denied to them the right and opportunity of consultation with friends or counsel, and have withheld from them a speedy and public trial by an impartial jury. They would neither confront them with the witnesses against them, nor would they allow them to have compulsory process for obtaining witnesses in their favor.

The conduct of President Lincoln has been as tyrannical and oppressive toward the Confederate States as the acts of the King of Great Britain, which caused our first revolution, were toward the colonies. The comparison cannot fail to make its impression upon the mind even of the casual observer.

President Lincoln has plundered the public treasury and has delivered at least $40,000 to Peirpoint to enable him and his traitorous associates in the Commonwealth of Virginia to overthrow the State government and to organize within the limits of this State a new government. He has thus been guilty of the unprincipled conduct of using the people's money to lavish upon traitors and encourage them to perseverance in their work of treason.

"The history (of Abraham Lincoln) is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these (Confederate) States." To this end "he has affected to render the military independent of and superior to the civil power."

He has combined with Peirpoint and other traitors in Virginia "to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws, giving his assent to their acts of pretended legislation."

He is endeavoring to quarter "large bodies of troops amongst us."

He is endeavoring to cut off "our trade with all parts of the world."

He is endeavoring to impose "taxes upon us without our consent."

He is endeavoring to deprive us "in many cases of the benefits of trial by jury."

"He has abdicated government here by declaring us out of his protection and waging war against us."

"He has plundered our seas, ravaged our coast, burned our towns, and destroyed the lives of our people."

"He is at this time transporting large troops of mercenaries to complete the work of death, desolation, and tyranny already begun with

circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages and totally unworthy the head of a civilized nation."

He has endeavored to excite domestic insurrections amongst us by proposing to put arms in the hands of our slaves, and thereby encourage them to an "undistinguished destruction of all ages, sexes, and conditions."

He has violated laws human and divine to gratify his passions, to glut his prejudices, and to wreak his vengeance upon a people who ask only their rights, and who are struggling to preserve their liberties. Can a Government conducted upon such principles endure?

In every stage of these oppressions, attempted or consummated prior to the secession of the State, we warned President Lincoln and the Northern people of the inevitable consequences of their course, and admonished them that if justice were not accorded to us the Union must be dissolved. In every stage of these oppressions since the secession of the State we have resisted them as became a free people asserting independence. Our admonitions and resistance have been answered by repeated injury and oppression, aggravated by war and bloodshed, and by the assumption and exercise of power which even an autocrat would hesitate to assume and exercise.

A President "whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people."

I have thus presented—

First. The considerations that influenced and controlled the action of Virginia in separating herself from the Government of the United States and resuming her sovereignty.

Second. The results which President Lincoln's policy gave us fearful reason to apprehend, and which are now matters of history, stamped indelibly upon its pages. In these I enumerate his repeated violations of a Constitution which he had solemnly sworn to support.

Third. I have run a parallel between the conduct of President Lincoln and George III, and have demonstrated that the former has shown himself not less a tyrant and usurper than the latter.

The Constitution of the United States has had no binding efficacy upon us since the 17th day of April last. On that day we repudiated it, and declared to the world that we would not be longer bound by its provisions. From that day Virginia dates a new era. Her own constitution, her laws, and her ordinances constituted the rule for her guidance from that day forward until her union with the Confederate States was consummated. While she occupied a position as an independent State she deported herself with a grace and dignity that became "the Mother of States," and after her union with the Confederate Government she fulfilled her obligations faithfully in her new relation.

The occurrences of the past nine months have demonstrated conclusively that we cannot live together as equals under the Government of the United States; and the habitual violation of the provisions of the Constitution and the open disregard of the laws by President Lincoln and his officials render governmental associations between us impossible. Mutual respect between the citizens of the Southern Confederacy and those of the North has ceased to exist. Mutual confidence has been succeeded by mutual distrust, and mutual good will by mutual aversion. No government can be enduring which does not possess the affection and respect of the governed. It cannot be that the people of the Confederate States can again entertain a feeling of

affection and respect for the Government of the United States. We have therefore separated from them, and now let it be understood that the separation "is and ought to be final and irrevocable," that Virginia "will under no circumstances entertain any proposition from any quarter which may have for its object a restoration or reconstruction of the late Union, on any terms and conditions whatever."

We must be content with nothing less than the unqualified recognition of the independence of the Southern Confederacy and its nationality by the Government of the late United States; and to this end we must meet the issue they have tendered to us with spirit, energy, and determination, and with a firm resolve on the part of each of the Confederate States that everything shall be done that may be necessary to insure the triumph of our arms, and thus secure liberty and independence for the South.

In conclusion I recommend that before your adjournment this day you reaffirm by solemn vote in each house the resolutions adopted by the General Assembly of Georgia. The Empire State of the South has spoken. Let not the Mother of States remain silent on a subject of so much significance and importance to the Southern Confederacy.

Respectfully,

JOHN LETCHER.

[Sub-inclosure No. 1.]

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., December 16, 1861.

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: I beg the honor to transmit herewith a copy of joint resolutions recently adopted by the General Assembly of Georgia. The Legislature has not directed me to forward them, but I do so under the conviction that you will be pleased to learn the action of Georgia on the important subject to which they relate.

Very respectfully,

JOSEPH E. BROWN.

[Sub-inclosure No. 2.]

JOINT RESOLUTIONS of the General Assembly of the State of Georgia, passed at its last session.

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That it is the sense of this General Assembly that the separation of those States now forming the Confederate States of America from the United States is and ought to be final and irrevocable, and that Georgia will, under no circumstances, entertain any proposition from any quarter which may have for its object a restoration or reconstruction of the late Union on any terms or conditions whatever.

Resolved, That the war which the United States are waging upon the Confederate States should be met on our part with the utmost vigor and energy, until our independence and nationality are unconditionally acknowledged by the United States.

Resolved, That Georgia pledges herself to her sister States of the Confederacy that she will stand by them throughout the struggle—she will contribute all the means which her resources will supply, so far as the same may be necessary to the support of the common

cause, and will not consent to lay down arms until peace is established on the basis of the foregoing resolutions.

WARREN AKIN,
Speaker of the House of Representatives.
L. CARRINGTON,
Clerk of the House of Representatives.
JOHN BILLUPS,
President of the Senate.
JAS. M. MOBLEY,
Secretary of the Senate.

Approved December 11, 1861.

JOSEPH E. BROWN,
Governor.

[JANUARY 17, 1862.—For Price to Benjamin, relating to the transfer of the Missouri State Guard to the Confederate Government, see Series I, Vol. VIII, p. 736.]

RICHMOND, *January 17, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: I cordially commend to your favorable consideration the plan of D. T. Bisbie, esq., for the importation into the Confederate States of such munitions and merchandise as our people now need, and I avail myself of the occasion to say that if such a scheme can be carried out by energetic and intelligent efforts it can be in no better hands than those of Mr. Bisbie, whom I have known for years as a gentleman of enterprising and unblemished character.*

Most respectfully, your obedient servant,

A. R. BOTELER.

AN ACT to organize the Territory of Arizona.

The Congress of the Confederate States of America do enact, That all that part of the present territory of New Mexico included within the following limits, to wit: Beginning on the Colorado River, at the parallel of north latitude thirty-four degrees; thence with said parallel to the eastern boundary of New Mexico; thence south with said boundary until it intersects the line of Texas; and thence with said line to the Rio Grande, and so on to the line of Mexico, on said river, as fixed by the treaty of eighteen hundred and fifty-four; thence with the boundary line established by said treaty between the late United States and Mexico to the Colorado River; thence up the Colorado to the place of beginning, be, and the same is hereby, created into a temporary government, by the name of the Territory of Arizona; and nothing in this act shall be so construed as to inhibit the Government of the Confederate States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the Confederate States; and the institution of slavery in said Territory shall receive all necessary protection, both from the

*See Bisbie to Benjamin, January 16, p. 843.

Territorial Legislature and the Congress of the Confederate States: *Provided, also*, That nothing in this act contained shall be construed to impair the rights of persons or property now pertaining to the Pimos and Maricopas Indians on the Gila River, or the right or claim of the Confederate States to the remainder of the Territory of New Mexico, or to any other territory north of the line of thirty-four degrees north latitude.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Arizona shall be vested in a Governor, who shall hold his office for six years, and until his successor shall be duly appointed and qualified, unless sooner removed by the President of the Confederate States. The Governor shall reside within said Territory, at the seat of government, and shall be commander-in-chief of the militia thereof; he may grant pardons and respites for offenses against the laws of said Territory, and reprieves for offenses against the laws of the Confederate States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said Territory, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a secretary of said Territory, who shall reside therein, and hold his office for six years, unless sooner removed by the President of the Confederate States; he shall record and preserve all the laws and proceedings of the Legislature hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and journals of the Legislature within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July, in each year to the President of the Confederate States, and four copies of the laws to the Vice-President, to be deposited in the libraries of Congress; and in case of the death, removal, resignation, or absence of the Governor from the Territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed to fill such vacancy.

SEC. 4. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislature shall consist of a council and house of representatives. The council shall consist of thirteen members, having the qualification of voters as hereinafter prescribed, whose term of office shall continue two years. The house of representatives shall, at its first session, consist of thirteen members, possessing the same qualifications as prescribed for members of the council, and whose term of office shall continue one year. The number of representatives may be increased by the Legislature, from time to time, in proportion to the increase of the qualified voters: *Provided*, That the whole number shall never exceed thirty-nine. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the council and representatives, giving to each section of the Territory representation in the ratio of its qualified voters, as nearly as may be. And the members of the council and of the house of representatives shall reside in, and be inhabitants of, the district or county or counties for which they may be elected respectively. The said apportionment

shall be based upon the census report of New Mexico for the year 1860, made by direction of the late United States.

SEC. 5. *And be it further enacted*, That the Governor shall regulate the first election which shall be held for members of the council and house of representatives. The first election shall be held at such time and places, and be conducted in such manner, both as to persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct, and he shall, at the same time, declare the number of members of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of the election districts for members of the council shall be declared by him to be duly elected to the council, and the persons having the highest number of legal votes for the house of representatives shall be declared by him to be duly elected members of said house; and the Governor, thereupon, shall give to the respective members of the council and the house, so declared, certificates of election, under his official signature. In any case, where it shall be declared, in the first election, that the people have failed to elect, another election shall be ordered, and if any vacancy occurs during the session of the first Legislature another election shall likewise be ordered by the Governor, under the same rules, to fill such vacancies; but the first Legislature shall provide by law for all failures to elect, or vacancies which may occur thereafter. And it is hereby provided that no session shall exceed fifty days, except the first session, which may continue seventy days. And it is further provided that all legislative proceedings shall be conducted in the English language.

SEC. 6. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory and shall possess the qualifications hereinafter prescribed, shall be entitled to a vote at the first election, and shall be eligible to any office in the said Territory; but the qualifications of voters and of holding office shall be exercised only by citizens of the Confederate States: *And provided further*, That no officer, soldier, seaman, or marine, or other person in the Army or Navy of the Confederate States, or attached to troops in the service of the Confederate States, not being a citizen of said Territory, shall be allowed to vote or hold office in said Territory.

SEC. 7. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the Confederate States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the Confederate States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the council and house of representatives of the said Territory shall, before it become a law, be presented to the Governor of the Territory; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such consideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each

house, respectively. If any bill shall not be returned by the Governor within six days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevent its return, in which case it shall not be a law: *Provided always*, That the Governor shall not exercise the veto in cases hereinafter expressly reserved or denied by this act: *Provided further*, That the Congress of the Confederate States may, at any time, change, modify, or annul any law that may be passed by the Legislative Assembly, but no change or annulling of the same shall affect or disturb any rights acquired previous to the making of such change or alteration: *And provided further*, That said Congress may, at any time during the existence of said territorial government, originate and pass for the people of said Territory any law which Congress may deem expedient or necessary and proper.

SEC. 8. *And be it further enacted*, That all territorial and county officers not herein otherwise provided for shall be appointed by the Governor, and they shall hold their offices until they are filled by persons appointed or elected conformably to such law as the Legislature shall enact in relation thereto. The Governor shall lay off, for the first election, the election districts for the members of the council and house of representatives, where deemed necessary: *Provided always*, That after the first session the Legislature shall exercise the sole power of laying off all election districts.

SEC. 9. *And be it further enacted*, That no member of the Legislature shall hold or be appointed to any office which shall have been created or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first Legislature; and no person holding a commission or appointment in the military service of the Confederate States shall be a member of the Legislature or hold any civil office under the government of said Territory.

SEC. 10. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually. They shall appoint a clerk, who shall hold his office during their pleasure, and who shall receive such fees in all cases in said court as the clerk of the supreme court of the Territory of New Mexico is now entitled to by law; and they shall hold their offices during the period of six years, and until their successors are duly appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court at such times and place as may be prescribed by law; and the said judges shall, after their appointments, respectively reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute or where the debt or sum claimed shall exceed $100; and the said supreme and district courts, respectively, shall possess chancery as well as common-law jurisdiction. Each district court, or the judge thereof, shall appoint

its clerk, who shall hold his office at the pleasure of the court for which he shall have been appointed, and who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals shall be allowed in all cases from the final decision of said district courts to the supreme court, under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court. Writs of error and appeals from the final decision of said supreme court shall be allowed and may be taken to the Supreme Court of the Confederate States in the same manner and under the same regulations as from district courts of the Confederate States, when the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party or other competent witness, shall exceed $1,000; except only that in all cases involving title to slaves the said writs of error or appeals shall be allowed and decided by the said Supreme Court without regard to the value of the matter, property, or title in controversy; and except, also, that a writ of error or appeal shall also be allowed to the Supreme Court of the Confederate States from the decision of said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus involving the question of personal freedom; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the Confederate States as is vested in the circuit and district courts of the Confederate States; and the said supreme and district courts of said Territory and the respective judges thereof shall and may grant writs of habeas corpus in all cases in which the same are granted by the judges of the Supreme Court of the Confederate States; and the first six days of every term of said courts shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeals in all such cases shall be made to the supreme court of said Territory the same as in other cases. The said clerk shall receive in all cases the same fees which the clerks of the district courts of the present Territory of New Mexico receive for similar services until otherwise prescribed by law. The proceedings in all courts in said Territory shall be conducted in the English language. All probate judges in the said Territory shall be appointed by the Governor and all justices of the peace therein shall be appointed by the justices of the supreme court.

SEC. 11. *And be it further enacted*, That there shall be appointed an attorney for said Territory who shall continue in office for six years, unless sooner removed by the President, who shall receive an annual salary of $500, payable quarterly, and the same fees as the attorney-general of the present Territory of New Mexico. There shall also be a marshal for the Territory appointed, who shall hold his office for six years, unless sooner removed by the President, who shall execute all process issuing from the said courts when exercising their jurisdiction as district and circuit courts of the Confederate States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees as the marshal for the present Territory of New Mexico, and shall in addition be paid $200 annually as a compensation for extra services.

SEC. 12. *And be it further enacted*, That the Governor, secretary, chief justice and associate justices, attorney, and marshal shall be nominated and, by and with the advice and consent of Congress or the Senate,

appointed by the President of the Confederate States. The Governor and secretary to be appointed as aforesaid shall, before they act as such, respectively, take an oath or affirmation before a district judge or some justice of the peace in the limits of said Territory duly authorized to administer oaths and affirmations, or before the chief justice or some associate justice of the Supreme Court of the Confederate States, to support the Constitution of the Confederate States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person before whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and afterward the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of $1,500 as Governor, and $500 as commissioner of Indian affairs. The salary of the secretary of the Territory shall be the sum of $1,200 per annum, payable quarterly. The chief justice and associate justices shall each receive an annual salary of $1,800. All salaries shall be paid quarterly at the Treasury of the Confederate States. The members of the Legislative Assembly shall be entitled to receive $4 each per day during their attendance at the sessions thereof, and $4 each for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually traveled route. There shall be appropriated annually the sum of $1,000, to be expended by the Governor, to defray the contingent expenses of the Territory; there shall also be appropriated annually a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the Confederate States, to defray the expenses of the Legislative Assembly, the printing of the laws and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the Confederate States for the manner in which the aforesaid sum shall have been expended.

SEC. 13. *And be it further enacted*, That the Legislative Assembly of the Territory of Arizona shall hold its sessions at La Mesilla, which is hereby designated as the seat of government of the said Territory, until otherwise provided by law.

SEC. 14. *And be it further enacted*, That a Delegate to the Congress of the Confederate States, to serve during each Congress, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to such rights and privileges as may be provided by the Constitution and laws of the Confederate States. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and at all subsequent elections the time and places and manner of holding elections shall be prescribed by law. The person having the greatest number of legal votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly; and such Delegate shall receive mileage at the rate of 10 cents per mile, and $8 for each day's attendance at the session of Congress.

SEC. 15. *And be it further enacted*, That temporarily, and until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places of holding courts in the several counties or subdivisions in each of said judicial districts by proclamation to be issued by him; but the Legislative Assembly at their first or any subsequent session may alter, modify, or organize such judicial districts, and assign the judges, and alter the times and places of holding the courts as to them shall seem proper and convenient.

SEC. 16. *And be it further enacted*, That the Constitution and all laws of the Confederate States, which are not locally inapplicable, shall have the same force and effect within the Territory of Arizona as elsewhere within the Confederate States.

SEC. 17. *And be it further enacted*, That the provisions of this act be, and are hereby, suspended until the President of the Confederate States shall issue his proclamation, declaring this act to be in full force and operation, and shall proceed to appoint the officers herein provided to be appointed in and for said Territory.

Approved January 18, 1862.

[JANUARY 18, 1862.—For J. E. Johnston to Benjamin, in relation to the act of Congress granting bounties and furloughs, &c., see Series I, Vol. V, p. 1036.]

[JANUARY 19, 1862.—For Blount to Benjamin, in relation to the secret organization of Union men in Alabama, &c., see Series I, Vol. VII, p. 840.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 20, 1862.

Hon. CHAIRMAN OF FINANCE COMMITTEE OF THE CONGRESS:

I have the honor, in conformity with your request, to submit the following estimates: First. For establishing railway communication between Danville, Va., and Greensborough, N. C., to be expended in such manner as the President may deem advisable, $1,000,000 in Confederate bonds. Second. For aiding in the completion of the railroad connection between Meridian, Miss., and Selma, Ala., to be advanced to the company now engaged in constructing said railroad, in Confederate bonds, on such terms as the President shall approve, $150,000. Third. To be loaned to the State of Missouri and applied with consent of her authorities to the pay of her troops prior to their muster into Confederate service, $1,000,000.

I am, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

PAYMASTER-GENERAL'S OFFICE,
Richmond, January 20, 1862.

CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
HOUSE OF DELEGATES OF VIRGINIA:

SIR: In compliance with the resolution of the House of Delegates passed January 10, 1862, I have the honor to submit herewith an

abstract showing the number, by companies, of the Virginia Volunteers who entered the service prior to 1st of July, 1861. The returns to this office only comprise such companies as entered service prior to July 1, 1861, up to which period they were paid by the State. I am therefore unable to say what number are now in the field. The reports subsequent to 1st of July were made, I presume, to the Adjutant-General of the Confederate States. He would therefore be able to give this information, as well as the points at which the troops are stationed. In some instances I found a difficulty in fixing the exact date of entry into service, owing to the neglect of the officers making the rolls not stating in the caption of such rolls when and for how long the company was mustered in. In such cases I took the commencement of pay as the date of entry, and twelve months thereafter as the termination of service. I have understood that some few of the companies embraced in my abstract have been discharged, but never having received official notice of the fact, I cannot, of course, report them so. Many of the companies were largely increased by recruiting after the 1st of July, and a good many men have been discharged—to what extent in either case I am unable to state.

I have the honor to be, very respectfully, your obedient servant,

HENRY HILL,
Paymaster-General Virginia Forces.

[Inclosure.]

An abstract showing the commencement of and the termination of service of the volunteers of Virginia who went into the service in April, May, and June, 1861.

APRIL.

Date of enrollment.	For what period.	Commissioned officers.	Infantry.		Cavalry.		Artillery.		Total commissioned, non-commissioned officers, and privates.	Total companies.	Expiration of term of service
			Companies.	Men.	Companies.	Men.	Companies.	Men.			
1861.											1862.
Apr. 17	One year	17	13	953	1	69	3	234	1,323	17	Apr. 17
Apr. 18	....do	124	27	1,926	4	266	....	.....	2,316	31	Apr. 18
Apr. 19	....do	76	12	1,020	5	327	2	107	1,530	19	Apr. 19
Apr. 20	....do	52	6	512	6	419	2	150	1,133	14	Apr. 20
Apr. 21	....do	40	7	543	1	95	2	192	870	10	Apr. 21
Apr. 22	....do	56	13	968	1	70	....	.....	1,094	14	Apr. 22
Apr. 23	....do	52	10	796	2	144	1	67	1,059	13	Apr. 23
Apr. 24	....do	35	8	597	1	83	....	.....	715	9	Apr. 24
Apr. 25	....do	133	27	1,865	7	462	4	355	2,815	38	Apr. 25
Apr. 26	....do	4	1	80	....	.....	....	.....	84	1	Apr. 26
Apr. 27	....do	20	4	312	....	.....	1	68	400	5	Apr. 27
Apr. 28	....do	4	1	89	....	.....	....	.....	93	1	Apr. 28
Apr. 29	....do	12	3	185	....	.....	....	.....	197	3	Apr. 29
Apr. 30	....do	8	2	147	....	.....	....	.....	155	2	Apr. 30
	Total for April	683	134	9,993	28	1,935	15	1,173	13,784	177	

RECAPITULATION.

134 infantry companies	9,993
28 cavalry companies	1,935
15 artillery companies	1,173
177 companies	13,101
Commissioned officers in above companies	683
Total	13,784

An abstract showing the commencement of and the termination of service of the volunteers of Virginia who went into the service in April, May, and June, 1861—Continued.

MAY.

Date of enrollment.	For what period.	Commissioned officers.	Infantry.		Cavalry.		Artillery.		Total commissioned, non-commissioned officers, and privates.	Total companies.	Expiration of term of service.
			Companies.	Men.	Companies.	Men.	Companies.	Men.			
1861.											1862.
May 1	One year	20	4	286	....	.....	1	81	387	5	May 1
May 4	.....do	8	1	57	....	.....	1	65	130	2	May 4
May 5	.....do	23	6	487	....	.....	....	.....	510	6	May 5
May 6	.....do	11	2	147	1	58	....	.....	212	3	May 6
May 7	.....do	16	2	146	....	.....	2	168	330	4	May 7
May 8	.....do	20	3	273	1	71	1	99	463	5	May 8
May 9	.....do	27	5	409	2	123	....	.....	559	7	May 9
May 10	.....do	48	7	547	2	120	3	219	934	12	May 10
May 11	.....do	31	7	520	....	.....	1	80	631	8	May 11
May 12	.....do	4	1	98	....	.....	....	.....	102	1	May 12
May 13	.....do	36	5	315	3	246	1	90	687	9	May 13
May 14	.....do	76	9	612	7	508	3	240	1,436	19	May 14
May 15	.....do	43	8	541	2	107	1	56	747	11	May 15
May 16	.....do	36	7	498	1	51	1	57	642	9	May 16
May 17	.....do	34	9	622	....	.....	....	.....	656	9	May 17
May 18	.....do	38	8	557	1	52	1	83	730	10	May 18
May 19	.....do	8	1	67	1	61	....	.....	136	2	May 19
May 20	.....do	56	12	878	2	127	....	.....	1,061	14	May 20
May 21	.....do	56	11	841	1	72	2	136	1,105	14	May 21
May 22	.....do	40	9	696	1	53	....	.....	789	10	May 22
May 23	.....do	24	6	426	....	.....	....	.....	450	6	May 23
May 24	.....do	32	7	514	....	.....	1	68	614	8	May 24
May 25	.....do	20	5	378	....	.....	....	.....	398	5	May 25
May 26	.....do	27	7	583	....	.....	....	.....	610	7	May 26
May 27	.....do	64	9	614	5	280	2	134	1,092	16	May 27
May 28	.....do	40	8	572	2	107	....	.....	719	10	May 28
May 29	.....do	32	5	346	3	194	....	.....	572	8	May 29
May 30	.....do	28	3	240	2	123	2	133	524	7	May 30
May 31	.....do	16	1	56	1	58	2	126	256	4	May 31
	Total for May	914	168	12,326	38	2,411	25	1,835	17,482	231	

RECAPITULATION.

168 infantry companies	12,326
38 cavalry companies	2,411
25 artillery companies	1,835
231 companies	16,572
Officers in above companies	914
Total	17,486

An abstract showing the commencement of and the termination of service of the volunteers of Virginia who went into the service in April, May, and June, 1861—Continued.

JUNE.

Date of enrollment.	For what period.	Commissioned officers.	Infantry.		Cavalry.		Artillery.		Total commissioned, non-commissioned officers, and privates.	Total companies.	Expiration of term of service.
			Companies.	Men.	Companies.	Men.	Companies.	Men.			
1861.											1862.
June 1	One year	44	7	509	2	120	2	174	874	11	June 1
June 2	do	16	4	273					289	4	June 2
June 3	do	27	5	493	1	66			583	6	June 3
June 4	do	30	7	472	1	50			550	8	June 4
June 5	do	16	3	222			1	68	306	4	June 5
June 6	do	28	5	337			2	123	488	7	June 6
June 7	do	16	4	288					304	4	June 7
June 8	do	11	2	131			1	59	201	3	June 8
June 10	do	24	4	263	2	109			396	6	June 10
June 11	do	32	5	366			3	201	599	8	June 11
June 12	do	8	2	127					135	2	June 12
June 13	do	12	3	181					193	3	June 13
June 14	do	4			1	70			74	1	June 14
June 15	do	34	9	596					630	9	June 15
June 16	do	8	2	109					117	2	June 16
June 17	do	8	2	144					152	2	June 17
June 18	do	8	2	105					113	2	June 18
June 19	do	20	4	256	1	58			334	5	June 19
June 20	do	12	3	327					339	3	June 20
June 21	do	30	5	371	1	35	2	161	597	8	June 21
June 22	do	24	5	389			1	44	457	6	June 22
June 23	do	12	2	115	1	72			199	3	June 23
June 24	do	20	1	57	2	109	2	109	295	5	June 24
June 25	do	8	2	143					152	2	June 25
June 26	do	4					1	58	62	1	June 26
June 27	do	14	3	195					209	3	June 27
	Total for June	467	91	6,469	12	689	15	997	8,622	118	

RECAPITULATION.

91 infantry companies	6,469
12 cavalry companies	689
15 artillery companies	997
118 companies	8,155
Officers in above companies	467
Total	8,622

GENERAL RECAPITULATION.

Date of enrollment.	For what period.	Commissioned officers.	Infantry.		Cavalry.		Artillery.		Total officers and privates.	Total companies.	Expiration of term of service.
			Companies.	Men.	Companies.	Men.	Companies.	Men.			
1861.											1862.
April	One year	683	134	9,993	28	1,935	15	1,173	13,784	177	April.
May	do	914	168	12,326	38	2,411	25	1,835	17,486	231	May.
June	do	467	91	6,469	12	689	15	997	8,622	118	June.
July	do	4	1	78					a 82	1	July.
	Total	2,068	394	28,866	78	5,035	55	4,005	39,974	527	
	For the war	16	4	297					313	4	
	Regulars	16	4	293					309	4	
	Total	2,100	402	29,456	78	5,035	55	4,005	40,596	535	

a Enlisted for active service 29th of April, 1861, and mustered in July 11 for one year.

394 infantry companies for one year	28,866
78 cavalry companies for one year	5,035
55 artillery companies for one year	4,005
527 companies	37,906
Commissioned officers in above companies	2,068
Total officers and men (whose time expires in April, May, and June, 1862)	39,974
4 infantry companies for the war, including officers	313
4 infantry companies, "regulars"	309
535 companies. Total officers and men	40,596

Respectfully submitted in compliance with the resolution of the House of Delegates of Virginia.

HENRY HILL,
Paymaster-General of Virginia.

PAYMASTER-GENERAL'S OFFICE,
Richmond, Va., January 18, 1862.

NOTE.—The Wise Legion and Floyd's brigade, all of whom are Virginia troops, are not included in the above abstract, for the reason that they were commissioned by the Confederate Government, and not paid to the 30th of June, 1861, by the State of Virginia. No returns having been made to this office of said troops, I have no means of ascertaining their exact strength. Nor does the above abstract embrace the field and staff officers of volunteers or the provisional officers of Virginia. There are known to be some three companies of volunteers yet unpaid; said companies failed to make their returns, notwithstanding the strenuous efforts of this office to that end. There may be other companies in a like condition.

[JANUARY 20, 1862.—For Lovell to Benjamin, in relation to the importation of saltpeter and powder, &c., see Series I, Vol. VI, p. 813.]

[JANUARY 22, 1862.—For message of Jefferson Davis, in relation to an act authorizing the organization of a regiment of volunteers for the protection of the frontier of Texas, see Series I, Vol. LIII, p. 770.]

EXECUTIVE OFFICE, *January 22, 1862.*

To the CONGRESS OF THE CONFEDERATE STATES:

After mature consideration of the bill to encourage the manufacture of small-arms, saltpeter, and of gunpowder within the Confederate States, I felt constrained to return it with the following statement of objections: By its provisions the bill deprives the Executive of the discretionary power to protect the Government against unnecessary or improvident contracts, and confers upon individuals who may propose to furnish to the Government any of the supplies enumerated the right to demand that their proposition shall be accepted, and that 50 per cent. of the amount proposed to be invested shall be paid from the public Treasury without any other condition than that the person making such proposition shall have actually expended in the prosecution of the proposed work one-fourth of the capital to be invested in it, and that his undertaking shall not be, in the opinion of the Secretary of War, visionary or impracticable, or at points too remote for the advantage of the Confederacy. As an example of the disadvantageous operation of the bill herewith returned, the attention of Congress is called to the contemplated case of the manufacture of gunpowder. Our

present necessity is not for an increase of powder mills, but for a supply of the material for the manufacture of gunpowder. The mills now in existence, and which could be readily put to work, far exceed in their capacity to manufacture our ability to supply the requisite material. Yet under the operation of this bill it would follow that any one who should propose to establish a powder mill upon unobjectionable locality, and that he had invested one-fourth the capital to be employed, would be entitled to claim an advance equal to 50 per cent. of that amount for a work which the Government did not require, and which, as there is no limitation of time for the fulfillment of his contract, could not be pronounced visionary or impracticable. The power already exists to make advances equal to 33⅓ per cent. on contracts for arms or munitions of war, and experience has not shown that any larger advance is necessary to stimulate the undertaking of such contracts; on the contrary, it has not yet been found necessary in a single instance to make advances to the full amount now permitted by law. The requirement of the bill that liberal profits shall be granted and an extraordinary advance be made, coupled with the absence of any Executive discretion to refuse any contract proposed for the supplies mentioned in the bill, would inevitably expose the Treasury to heavy drafts from the class of speculating contractors.

I regret that these features of the bill compel its return, as some of its provisions would be valuable adjuncts to existing legislation in enabling the Government to aid in the establishment of manufactures of arms and the creation of artificial saltpeter beds.

JEFFERSON DAVIS.

[Inclosure.]

AN ACT to encourage the manufacture of small-arms, saltpeter, and of gunpowder within the Confederate States.

SECTION 1. *The Congress of the Confederate States of America do enact*, That every person who shall propose to establish, put in operation, and carry on a manufactory of small-arms within the Confederate States for making small-arms suitable for the Army of the Confederate States; and every person who shall propose to establish, put in operation, and carry on a manufactory of gunpowder within the Confederate States suitable as ammunition for the Army of the Confederate States; and every person who shall propose to establish, put in operation, and carry on a manufactory of saltpeter within the Confederate States, who shall submit to the Secretary of War his proposal or proposals, in one or more of these respects, with a statement of the amount proposed by him to be so invested in said undertaking or undertakings and of the extent and plan of his undertakings, and who shall produce satisfactory evidence to the Secretary of War that he has actually expended in the prosecution of the proposed work one-fourth of the capital proposed to be invested therein, shall be entitled, unless the Secretary of War deem such work visionary or impracticable, or at points too remote for the advantage of the Confederacy, to receive at such times and in such amounts as may be required for the construction and operation of such works, as an advance from the Treasury, a sum equal to 50 per cent. on the amount proposed by him to be so invested, to be repaid, without interest, to the Confederate States, from the first merchantable article manufactured, at such price as shall be agreed upon and stipulated for before or at the time of such advance by the Secretary of War and the other contracting party, said price to be such as shall be suf-

ficient to afford the manufacturer a liberal profit upon the probable cost of production: *Provided, however*, That no such advance shall be made until the party applying therefor shall enter into bond and security, to be approved by the Secretary of War, or by some one appointed by him to take and approve said bond. Said bond to be in the penalty of double the amount proposed to be advanced, and to be conditioned to the effect that the principal obligor shall well and truly, and by a certain time, to be named in the bond, proceed to erect, complete, and put into effective operation the manufactory proposed; that he will expend the sum proposed for these purposes; that he will appropriate the money advanced by the Government to such purpose, and to no other use or purpose; and, as far as practicable, will keep the said property insured, and that he will repay the same from the first merchantable article manufactured until he shall fully repay to the Confederate States, in the article and at the price stipulated for, the sum advanced: *And provided further*, That no such advance shall be made until the party applying therefor shall subscribe a written oath indorsed upon the back of said bond, which may be administered by any person competent to administer oaths, that said advance is asked for the purposes specified in this act, and for no other, and that he or they will so apply said funds which may thus be advanced. And a willful and corrupt violation of this oath shall be deemed perjury, and punishable by imprisonment for not less than three nor more than ten years.

SEC. 2. *The Congress do further enact*, That the Secretary of War may, at his discretion, in anticipation of the erection of such manufactory or manufactories, enter into such further contracts with the persons proposing to establish the same, for the thing to be produced, as shall comport with the then present or prospective wants of Government, and may or may not, at his discretion, require security for the performance of the same; but no advance or prepayment shall be made on such last-mentioned contracts. And contracts made under this section of this act shall be such as may afford the manufacturer a liberal profit on the probable cost of production.

SEC. 3. *The Congress do further enact*, That in case of the destruction of any such manufactory of gunpowder, without the negligence or fault of the owner, before the repayment to the Government of the advance made by it under the first section of this law, the owner shall be excused from the further performance of such contract, save so far as he may be able to perform his contract with the property remaining, or from the manufactured article on hand at the time of and saved from such loss.

SEC. 4. The provisions of this act shall apply to cases of enlargement of manufactories of small-arms, gunpowder, and saltpeter, now established or being established within the Confederate States, but the advances made in such cases shall only be 50 per cent. upon the amount proposed to be invested in the enlargement of such manufactory, and no now existing investment in such manufactory shall be computed or taken into account in determining such 50 per cent.

ALEXANDER H. STEPHENS,
President of the Congress pro tempore.

JANUARY 13, 1862.

I certify that this act passed the Congress.

J. J. HOOPER,
Secretary.

[JANUARY 22, 1862.—For message of Jefferson Davis, in relation to "An act to provide for raising and organizing, in the State of Missouri, additional forces for the Provisional Army of the Confederate States," see Series I, Vol. LIII, p. 771.]

[JANUARY 22, 1862.—For "An act to provide for raising and organizing, in the State of Missouri, additional troops for the Provisional Army of the Confederate States," see Series I, Vol. LIII, p. 773.]

AN ACT to amend an act entitled "An act to raise an additional military force to serve during the war," approved May eighth, eighteen hundred and sixty-one, and for other purposes.

The Congress of the Confederate States of America do enact, That volunteers offering their service under an act entitled "An act to raise an additional military force to serve during the war," approved May eighth, eighteen hundred and sixty-one, may be accepted by the President singly as well as in companies, squadrons, battalions, or regiments.

SEC. 2. In all appointments of officers raised under this act the field and company officers shall be chosen and appointed in the manner prescribed by the act entitled "An act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army," approved December eleventh, eighteen hundred and sixty-one; and all vacancies occurring in the said offices after the first election made under this act, as well as under the act entitled "An act to raise an additional military force to serve during the war," approved May eighth, eighteen hundred and sixty-one, shall be filled by promotion according to grade and seniority, as provided in the said act of eleventh of December, eighteen hundred and sixty-one, except in case of disability or other incompetency: *Provided, however*, That the President be authorized to depart from the prescribed rule of promotion in favor of any person specially distinguished by his commanding general for extraordinary merit or some signal act of military skill or gallantry.

SEC. 3. Any vacancies occurring in the ranks of companies mustered into the Confederate service for three years or for the war may be filled by volunteers, and the commander of each of said squadrons, battalions, or regiments, organized as aforesaid, may detail one commissioned officer, and one non-commissioned officer, and one or more privates from each company of his command, with the approval of the brigadier-general of the brigade to which said squadron, battalion, or regiment may be attached, to recruit men for said company, so that the same may contain not more than one hundred and twenty-five, rank and file; and the men so recruited shall be mustered at the time of enrollment and shall be entitled to transportation and subsistence, or commutation of subsistence, till they join their respective companies, and to fifty dollars bounty to be paid at the time of joining the same.

SEC. 4. The President be, and he is hereby, authorized to appoint and commission persons as field officers or captains to raise regiments, squadrons, battalions, or companies, and the individuals comprising the same shall be mustered at the time of enrollment and be entitled

to pay, transportation, and subsistence from the date of the organization of companies; but the officers so appointed by the President shall not be entitled to any pay or allowance until their respective commands be fully organized and reported to the Secretary of War, and said appointments shall expire if the officer appointed shall not, within a reasonable time, not to exceed two months for a company and four months for a battalion, squadron, or regiment, report the corps authorized to be raised by him organized and ready for duty: *Provided, nevertheless*, That every officer so commissioned for such purpose shall receive an appointment proportioned to the force he recruits: *And provided, furthermore*, That no enlistments under the commission of captains shall be obligatory unless the number be sufficient to constitute a company.

Approved January 22, 1862.

AN ACT to authorize the appointment of officers of artillery in the Provisional Army and in the volunteer corps.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of Congress, in the Provisional Army and in the volunteer corps, officers of artillery above the rank of captain, without reference to the number of batteries under the actual command of the officers so appointed, not to exceed in number, however, one brigadier-general for every eighty guns, one colonel for every forty guns, one lieutenant-colonel for every twenty-four guns, and one major for every sixteen guns.

Approved January 22, 1862.

A RESOLUTION in reference to the arms of the volunteers for twelve months.

Resolved by the Congress of the Confederate States of America, That the military exigencies of the Confederate States render it absolutely necessary that the arms of the volunteers now in the service should be kept within the control of the President of the Confederate States; so that whenever the present volunteers shall be discharged from service the arms may be placed in the hands of others.

Approved January 22, 1862.

WEDNESDAY, *January 22, 1862.**

* * * * * * *

SECRET SESSION.

Congress being in secret session, the chair presented a communication from the Governor of Virginia, which was read, and is as follows, to wit:

EXECUTIVE DEPARTMENT, *January 20, 1862.*

GENTLEMEN OF THE PROVISIONAL CONGRESS:

In conformity with a request of the General Assembly of the State of Virginia I transmit to you joint resolutions, relative to the jurisdiction of Virginia, adopted by the Senate on the 16th instant, and by the House of Delegates on the 17th instant, as certified in due form by the clerks of the respective bodies.

JOHN LETCHER.

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*From Journal of the Provisional Congress.

JOINT RESOLUTIONS.

Whereas, the public enemy, invited by domestic foes, being in power within some of the counties of Virginia, where they are confiscating the property of loyal citizens and otherwise oppressing them in cruel manner;

And whereas, the traitors there, contemplating a division of this time-honored Commonwealth, with the aid of this public enemy, have set up a pretended government over the same, which, under the force of circumstances, could not be prevented by the timely sending of an adequate military force;

And whereas, the Legislature desires to reassure all loyal citizens throughout the Commonwealth of their desire and intentions to protect them: Therefore,

Resolved by the Senate and House of Delegates, First. That in no event will the State of Virginia submit to or consent to the loss of a foot of her soil; that it is the firm determination of the State, and known to be that of the Confederate Government, to assert and maintain the jurisdiction and sovereignty of the State of Virginia, to the uttermost limit of her ancient boundaries, at any and every cost.

Second. That the Governor be requested to present a copy of these resolutions, properly certified, to the Provisional Congress now in session, and to the permanent Congress, to convene on the 22d of February, for their approval.

Agreed to by the Senate, January 16, 1862.

SHELTON C. DAVIS,
Clerk Senate.

Agreed to by the House of Delegates, January 17, 1862.

WM. F. GORDON, JR.,
Clerk House of Delegates.

Mr. Rhett offered the following resolutions; which were read and agreed to, to wit:

Resolved, That Congress heartily approves of the resolutions passed by the Legislature of Virginia, expressing her determination to vindicate the integrity of her ancient boundary, and pledges all the resources of the Confederacy to uphold her determination.

Mr. Rhett moved that a copy of the foregoing resolution be served on the Governor of Virginia to lay before the Legislature.

The motion was agreed to.

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VIRGINIA CENTRAL RAILROAD, PRESIDENT'S OFFICE,
Richmond, Va., January 22, 1862.

Hon. J. P. BENJAMIN,
Secretary of War:

DEAR SIR: A convention of a number of railroad companies of the Confederate States held in this city on the 19th ultimo for the purpose of devising a plan for procuring supplies, appointed a committee to get information for the advancement of that object. Understanding that the Government was engaged in similar inquiries in reference to its wants, they were instructed to communicate with the Department having charge of that subject with a view to co-operation. At a meeting of the committee held this evening D. T. Bisbie, esq., read a communication which he designed presenting to you, containing some suggestions, the result of recent experience.* I am requested by the committee to say to you that they were very favorably impressed with the scheme of Mr. Bisbie, as far as it was developed, and, not committing themselves without further reflection, they recommend it to your consideration.

Very respectfully,

E. FONTAINE,
Chairman.

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*See Bisbie to Benjamin, January 16, p. 843.

[JANUARY 22, 1862.—For Polk to Benjamin, in relation to re-enlistments for the war, see Series I, Vol. VII, p. 846.]

[JANUARY 22, 1862.—For Polk to Pettus, suggesting an additional force of at least 30,000 men on the Kentucky frontier, &c., see Series I, Vol. VII, p. 846.]

[JANUARY 23, 1862.—For message of Jefferson Davis, in relation to "An act to provide for raising and organizing, in the State of Missouri, additional troops for the Provisional Army of the Confederate States," see Series I, Vol. LIII, p. 774.]

AN ACT to authorize the President to call upon the several States for troops to serve for three years or during the war.

The Congress of the Confederate States of America do enact, That the first section of the act of March sixth, eighteen hundred and sixty-one, be, and is hereby, so modified as to authorize the President to call upon the several States, in his discretion, for any number of troops not exceeding in the aggregate the number heretofore authorized, to serve for the term of three years or during the war.

SEC. 2. In making such requisitions the President shall take into consideration the number of troops from each State already enlisted for the war at the time of the requisition, and shall, as far as practicable, equalize the same amongst the States according to their respective white population.

Approved January 23, 1862.

AN ACT to reorganize the militia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened*, That the militia of the State of Louisiana shall be composed of all the free white males capable of bearing arms residing in the State, and are eighteen years of age and not over forty-five, and who are not exempt under this law.

* * * * * * *

SEC. 78. *Be it further enacted, &c.*, That all laws conflicting with the provisions of this law be, and the same are hereby, repealed, and that this law shall not have force and effect until the fifteenth day of February next.

Approved January 23, 1862.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, January 24, 1862.

The PRESIDENT:

SIR: I have the honor to submit herewith the report of the chief of the commissariat of the Army, in response to the resolution of the Congress of the 11th instant, passed in the following words, viz:

Resolved, That the President cause to be communicated to the Congress the several localities in the Confederate States where pork and beef are being packed for the Government, and what flour and other provisions have been purchased and

collected for the use of the Army, and the names of the agents employed for the purpose of purchasing and preparing said provisions, specifying the localities where each agent is employed and what instructions have been given said agents as to prices to be paid for the same.

This report, together with the accompanying exhibits, show more fully even than is called for by the resolution the manner in which the contracts for the Army supplies have been made and their result. They demonstrate the gratifying fact that the supplies have been provided with such foresight, energy, and prudence as to have cost the Government far less than could reasonably have been expected, and far less than they would now cost if the contracts had not been made.

I am, respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, SUBSISTENCE DEPT.,
Richmond, Va., January 18, 1862.

Hon. J. P. BENJAMIN,
Secretary of War Confederate States of America:

SIR: I have the honor to acknowledge the receipt from you of a copy of the resolution of Congress dated 11th of January, 1862, to wit.*

The current indispensable business of this office and the comprehensive nature of the resolution has caused delay. The papers herewith submitted, being "Abstract of purchases and returns of provisions,"† "Abstract of engagements of salt beef and bacon," marked B; copy "Contract of Wilson & Armstrong," marked C;‡ copy "Contract of Haxall, Crenshaw & Co.," marked D:‡ and Maj. F. G. Ruffin's report, marked E, will, as far as practicable, fulfill its requirements. This Bureau has been conducted on the principle that the essential duties of its chief are to ascertain and to anticipate the present and future wants of the commissariat in general and particular; thereon to apply to the Secretary of War for the means, and to appoint the agents deemed most competent to accomplish these objects; then to effect them. On commencing the organization in Montgomery it was known that supplies, especially of salt meats, could not be obtained to an adequate extent except in the enemy's country. Accordingly appropriate steps were taken to reach them. The stores of bacon and pork thus acquired, at a cost to the Government of much less than one-half the current rates, are still being issued. In considering the question of a future supply of salt meats the inapplicability of the rules of purchasing prescribed by the Army Regulations was as obvious as the difference between peace and extensive fields of supply on the one hand and revolution on the other. Under existing circumstances an absolute deficiency of pork in the Confederacy added to the contrast. To meet this vital necessity and the competition that was inevitable only one way was open; that was to anticipate its operations and contend with its development. This was determined on, and arrangements were initiated early in July. In the middle of August certain papers were sent to me with directions to return them with my remarks in relation to their respective contents. After disposing of the subjects included I closed my communication with this paragraph:

The real evil is ahead. There are not hogs in the Confederacy sufficient for the Army and the larger force of plantation negroes. Hence competition must be

*Embodied in Benjamin's letter, next *ante*. †Not found. ‡Omitted.

anticipated by arranging for the purchase of the animals and getting the salt to cure them. Furthermore, beeves must be provided for the coming spring. Cattle must be collected from Texas before the rains set in, and be herded in ranging grounds convenient to the Mississippi. I am arranging for these matters.

Though not—so far as packing and curing was involved—in accordance with the rules prescribed by the regulations for purchasing supplies, the War Department concurred in these views, and they have been prosecuted vigorously, to make use of the whole season and withdraw the products as soon as possible from the hostile front along which they have been prepared.

The abstract of contracts and the statement of Major Ruffin thereon, from the data which we had collected, exhibit the nature of the operation. The responsibility of recommending it and the expenditure of such large sums—the products being necessarily laid so near the enemy's lines—has been heavy and is the best guarantee that every plan of meeting the necessity that was on us had been carefully considered. There appeared no alternative. The existing establishments and the experts best adapted to securing the end had to be employed in the interests of the Government, or to be its antagonists. Among the agents there was one exceptional case, whose action having long ceased, and the entire results of it been taken off the hands of the Government before its extent was known, his name does not appear, but the correspondence is on file in the department. Serving without compensation, and not intended for any specific action, he was not appointed by the War Department as other agents are. The following is in relation to him: To begin operations in Kentucky I proposed to a gentleman of that State, of large fortune and above all suspicion, to make a tour and urge the farmers of Southern feelings to hold their hogs for the Government. On his making favorable reports I asked him to see about arrangements for a packing-house for receiving the hogs and curing the meat. On the 23d of October he reported that he had made a conditional contract for the packing establishment at Clarksville at a rent of $8,000. The alternative presented to me was to permit competition in an important position and lose results hoped for from Kentucky, or accept. The rent seemed extortionate, and I paused for information.

In the meantime Mr. R. T. Wilson, with whom contracts had been made to purchase and cure meat in Kentucky and Tennessee, came to Richmond shortly after this proposition was presented to me and agreed to go to Clarksville and hire the house himself, believing that it was important to secure it for his operations in Kentucky, accepting on the private account of himself and company the action of this preliminary agent.

It subsequently appeared that before this was done the conditional contract had been disputed and $10,000 absolutely demanded by the owners, and had been yielded. But the matter had passed from the hands of this department. Whether better could have been done or not thus becomes immaterial, but I must defend this disinterested agent. General A. S. Johnston seems to find the securing of that establishment and the packing arrangement of this department opportune, for he has directed the products at Clarksville to be transported to Bowling Green, and ordered the agents from Nashville to slaughter and cure from 5,000 to 8,000 hogs at the latter place as a reserve for his army.

I proceed to another subject. All subsistence stores that are allowed to the Army have to the fullest capacity of our country been obtained,

and no essential supplies have ever failed to be ready for transportation when and where required, timely notice having been given to this department. It is known to the War Department that from the time I came to Richmond I urged the opinion that the railroads would be found unequal to the demands that soon would be made on them and that subsistence stores must sometimes fail to reach their destination. This terminated my duty, but not my apprehensions. Frequently I have had occasion to make such representations. To illustrate it, sugar is now needed in the camps, and there are invoices here of thirteen different shipments from New Orleans of near 1,400 hogsheads on the way, starting from November 27 onward, and stores have been on the road from Nashville from one to three months. On the 12th fifty barrels of pork arrived that were shipped on the 22d of August, 1861. In this communication I referred previously to papers sent to me in the month of August, with directions to make remarks thereon. I advert again to them.

One of those papers contrasted the prices of flour at Manassas with that sent from Richmond, leading to the inference that purchasers here could be so foolish or so criminal as to pay 75 per cent. more for equal grades. The facts are, that the flour sent from here was worth from $1.50 to $2 more than similar grades of country flour. This difference is fixed by market prices. Second. That that flour, though sent in the month of July to Manassas, and according to department rule invoiced at actual cost, had been bought in the month of May, long before I came to Richmond and without the possibility of my knowing anything of it. The resolution of Congress covers all provisions that have been purchased. A large class of accounts have been contracted by officers conducting troops from places of rendezvous and enrollment. Third. Other commands for which preparations of cold provisions had been made have, by delay on the roads, been provided on those occasions by special purchases absolutely necessary, generally economical. None otherwise have been observed. Another class of accounts have been tavern bills, which have in almost every instance been rejected, and none paid but extreme cases of a very special nature, from which no precedent could be deduced. It may safely be affirmed that troops thus rapidly assembled from remote points could not have cost less for subsistence en route.

Referring to the papers accompanying,

I am, sir, very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General of Subsistence.

[Sub-inclosure.]

CONFEDERATE STATES OF AMERICA, SUBSISTENCE DEPT.,
Richmond, January —, 1862.

Col. L. B. NORTHROP,
Commissary-General of Subsistence:

SIR: By your instructions I proceed to submit the following report on the purchases and contracts made by this department:

SALT MEATS.

The supply of salted meats was that which the department felt most solicitous to secure. Provisions of that kind have been heretofore mainly sent to the South from States now foreign to us, or the seat of active hostilities. Reliance on that was out of the question after

the amount that could be got early in the war had been obtained. In the packing season of 1860–'61 upward of 3,000,000 head of hogs were packed at the various porkeries of the United States, besides those packed by farmers at home; of which less than 20,000 were packed at regular establishments south of the lines of our armies. Of this whole number experts estimate that the product of about 1,200,000 hogs was imported in the early part of the last year from beyond our present lines into what is now the Southern Confederacy. This was accomplished, and to the extent of a bountiful supply, by the action of State authorities in some cases, by the enterprise of private parties, and by this department through agencies of its own. Of this number it is estimated that about 300,000 hogs, in their bacon equivlent, have been consumed by our State and Confederate armies since the commencement of hostilities.

Tennessee then became the main reliance for a supply for the future use of the Army, which, together with the accessible portions of Kentucky, had been so ravaged by hog cholera and injured by short corn crops for three years preceding the year just closed that the number slaughtered at the porkeries had dwindled from 200,000 head to less than 20,000. It was into this field, just recovering from these disasters, and almost the sole resource of the Army, the planters, and the inhabitants of cities, that this department had to enter as a purchaser—dubious of a sufficiency, but assured of a heavy and active competition. If, when the price of hogs was only 6 to 7 cents per pound gross in the South, it had been the custom of many planters to buy the live-stock from the drovers and put up their own supplies, drovers would of course take hogs to them when the price was double, and supplies thus diverted could never come into army consumption. But besides this loss, what would have gone into commercial hands would also have been open to the planters' bids, and must have been lost to the Government or secured at exorbitant prices. Now, if the usual mode had been adopted of obtaining supplies by bid and contract, it is obvious that, as each speculator or packer could operate most profitably on a theater of scant supply, and contracts under that system could not have been awarded to all, those who failed to get contracts would have made as much, if not more money, by speculating against the Government than by working for it. This state of things would have wrought the double effect of raising prices upon the Government and preventing its full supply, and the latter would have been disaster, if not ruin. To prevent this it was necessary to combine all the packers in the interest of the Government, and to accomplish that it was necessary to offer them a fair and liberal compensation, placing all upon one footing. Such compensation, it was clear, they would have at any rate, and in most cases without the outlay of capital in buildings and fixtures which their undertaking for the Government would require. This compensation, though liberal, was not exorbitant, and in view of the uncertainties of the times was not more than ought to have been offered. It was paid in kind and in a class of products perishable in their nature, for which the Government had no use, and by the sale of which, on a large scale, it could have made little or nothing. It will be fully understood by reference to the contract with Wilson & Armstrong, herewith inclosed, marked C,* and given as a sample of all contracts on the same subject-matter.

*Omitted

The only danger would be that under the stimulus of gain the contractors might compete with each other and so run up prices. This, however, was partly prevented by the practical difficulties of the undertaking, such as the impossibility of obtaining cooperage for unusually large quantities of lard and the risk of preserving offal. It was further endeavored to be provided against by districting the country, as far as an imperfect knowledge of its agriculture would permit, assigning each contractor to certain limits. But even if such competition has existed, its effect has certainly been to secure more bacon to the Government and at lower prices than the opposite system could possibly have brought; and the main object was to secure a full supply, cost, however important, being secondary to that. That object is accomplished. The number secured is about 250,000 head of unusually large hogs, including some 20,000 which have been obtained from Kentucky within the Federal lines by Government agents, acting under the instructions of this department, at much risk and with occasional losses to those undertaking it. The above number is increased by others obtained at other points and mostly on similar terms, as may be seen by reference to the abstract of purchases of hogs and beeves herewith transmitted.

At Thoroughfare, in the rear of Manassas Junction, a packing establishment has been put in operation on Government account and the same has been done in Richmond, and at each of those points every product is saved to the Government, because it either finds ready sale or prompt and grateful consumption by the Army. The management of this important work has been intrusted to agents under official bonds, or under contracts secured by bonds. To these the money has been advanced as needed, when it could be obtained from the Treasury, and while no greater advance has been made than necessary no greater risk has been incurred than the usual confidence reposed in officers of the Army disbursing large sums of money. It is due to the patriotism of these agents to say that in several cases when funds were scarce they have freely advanced both their funds and credit to their respective trusts. Thus Wilson & Johnson and Wilson & Armstrong have advanced at various times about $520,000, J. H. Craigmiles and J. F. Cummings, respectively, $878,878 and $2,204,977, and all these have strained their credit to its utmost tension to ease the strain upon the Treasury; others have assumed obligations of the same character. These agents were severally instructed to set the price, first at 6, subsequently at 8 cents per pound, and if these prices would not secure the hogs, then to give such as would do it, but in no instance to go higher than was absolutely necessary. Under these circumstances prices have ranged from 6½ to 11½ cents, the latter in a few cases, and of late they have receded from these figures. These prices have been high, but the rate of rise is not greater than in other kinds of produce of prime necessity and scant supply, and not as great if the greater scarcity be considered. They could not have been kept lower except by a military order prohibiting exportation. Such an order was applied for, but refused, to the great enhancement of prices. In other cases it became necessary to get military authority to enforce contracts against numerous parties to whom higher prices had been conceded on contracts for lower rates, but who were only emboldened by such concessions to make still higher and more dishonest demands. The compensation of these agents has been in kind—as when they assumed the character of agent and contractor—or in money alone, which has occurred in two cases, and in both these the rate is $500 per

month for the time of service, being a much less sum than could have been made by the same parties operating on private account.

If frauds have been committed under this system they have not been heard of except in rumors, which, upon investigation, have either failed or declined to assume a proper accusatory form, or in the hints and insinuations of scandal or slander. The whole course of the department in obtaining its supply of hogs has been guided by the policy disclosed in the above. To complete the supply of salted meat, beef has also been engaged, to be packed at different places, stated in the accompanying paper, marked B, at prices adapted to the various localities. The establishments at which this work is done are all under the charge of agents (or, in cases where the amount packed was deemed too small to justify the appointment of an agent, it is intrusted to the parties themselves) who are under bonds to furnish a merchantable article. Further contracts will be made, or existing contracts extended, so as to insure enough beef to subsist the troops until the returning summer shall again afford an abundance of fresh beef. The different agents and contractors have been instructed to put as much of this beef as was practicable into barrels or tierces, but it has been impossible to put it all into such packages. Cooperage is scarce and high, and enough coopers cannot be had at any price to make the requisite number of barrels. To meet this difficulty the packers who are convenient to the different forces have been instructed to use boxes in which the beef, after having been brined in the usual way, is salted down and directed to be distributed for speedy consumption. The plan has now been tried sufficiently to prove its efficacy, and if timely transportation can be had there is no doubt of its success. The barreled beef will be kept for later consumption and moved as fast as prepared, and when transportation can be had, either direct to its destination or to secure depots for future consumption and distribution. The bacon will be reserved, as far as can be, for summer and fall supply. The price paid for this beef has varied, according to locality and the condition of the animal, from $3\frac{1}{4}$ to $4\frac{1}{2}$ cents gross per pound, averaging less than 4 cents, and will go higher as the season advances. The contractors and agents have been instructed in their purchases to consult economy up to the limit of fair market rates, and never to exceed them. The compensation has been the fifth quarter, as it is called, which was the usual butchers' profit from time immemorial. In the case of R. A. Porter, of Louisiana, it is different, because he had to erect, upon short notice, an immense establishment, and had to furnish his own salt and cooperage, and his hides, requiring a larger amount of salt to preserve them, would yet bring less than those nearer to the manufacturers. His compensation, therefore, has been apparently increased by $1\frac{1}{2}$ cents per hundredweight gross. Still the beef cured by him will not amount to 10 cents per pound laid down at Memphis, a far less sum than it can be had for in the general market. The department has establishments of its own of this kind at Richmond and Thoroughfare, erected for the same reasons and conducted on the same principles as for hogs at the same places.

FRESH BEEF.

Whenever it has been practicable the commanders of the different forces have not been interfered with in obtaining fresh beef in their several bounds. As a general rule, local officers can make such purchases as well as this department, and with more satisfaction to the

generals. It is so difficult to control commissaries who are under the special orders of such officers that it has not been attempted except when deemed advisable in special cases, and it has been compelled to let these purchases rest upon the administrative responsibility of the commanders. All that has been done in such cases has been to approve the contracts made by such commissaries as have submitted them to this department. As in some cases this has not been done, and the purchases made have only appeared through returns of commissaries to this office, a statement of such contracts as have been submitted is not given, since it might mislead as to the quantities of provisions that have been or are being purchased. But where the commands had to be supplied from a distance, or where, from the vast size of the force or the probable conflict of purchase among the commissaries of different commands, difficulties might arise, a different course has been pursued; officers or agents of the department have been appointed or detailed, and they have been instructed to furnish by direct purchase and through such sub-agencies as they might deem necessary, in districts geographically prescribed and where they were the sole purchasers, the proper number of beef-cattle at their appointed depots. General instructions have been given to all these parties to discourage speculation by refusing to buy at second-hand whenever practicable, but no minute instructions were necessary in these cases from the character of the officers and agents and their thorough acquaintance with their duties. Wherever that has been done the price of cattle has been kept at a moderate rate and arrangements have been made with more or less completeness and celerity, as the exigencies of the case or of public business would permit to save to the Government all or a very large share of the profits of the fifth quarter. The prices in these cases have varied from 3 to 4½ cents per pound gross. The agents thus specially employed are Maj. B. P. Noland, of Loudoun, for the district that feeds Manassas and Fredericksburg; Mr. William M. Tate, of Augusta, for the district that feeds Richmond and the Peninsula; Mr. C. L. Snyder, of Roanoke County, commissary agent, and Mr. T. J. Higginbotham, of Tazewell County, for Southwestern Virginia; Mr. William Falconer, of Petersburg, for Norfolk City, and Mr. R. T. Wilson, of Loudon, Tenn. In one or more cases some of these gentlemen have found it necessary to employ sub-agents.

FLOUR.

Want of money has prevented such contracts for flour as would have secured contracts for the whole year when wheat was low. In the absence of funds it was necessary to attempt some plan by which, after supplying its immediate wants, the department might regulate its future prices. All that it could do in that direction has been to adopt a system by which its purchases could be arranged for present and future supply on a basis which would be safe for the Government and ought to be satisfactory to the seller. That basis was simply the application of the universally accepted commercial law that the price of any article not at a ruling market must be the price of that market less cost and charges. As our ports were all blockaded different flour marts were assumed as the points of sale and the deduction scaled by the distance of the seller from his usual market, and all such markets were generously put upon the footing of the best, though there had always been a very considerable difference among them. In addition

to this it was also determined to adopt in such contracts as might be made a sliding scale by which flour should rise with any anticipated rise in the price of wheat, thus guaranteeing the contractor against loss and guarding the Government against applications for relief—a most fruitful source of corruption. The price of flour under this policy was fixed upon the price of wheat at $1 per bushel, at which the Government stipulated it should commence in this market. If this course has produced discontent it was because it was not understood, or because parties who had wheat to sell could not comprehend that a very abundant article must rate low in the market, whilst articles of as much relative consumption but of absolute scarcity should command far greater prices. This policy of the department has been somewhat interrupted by speculation, though that is now believed to be subsiding, but it was mainly thwarted by the want of money and transportation, with which at command it could have made large purchases before the rise in flour took place.

The only large contract the department has made has been with Messrs. Haxall, Crenshaw & Co., a copy of which is herewith transmitted, marked D,* and the officers and agents of this department have been instructed to observe its principles in their own similar transactions. As this contract has been the ground of much unjust animadversion upon the department and the contractors, it may not be amiss to state, in justice to the propriety of its selection and their liberality, that where they had an admitted right to a compensation of $6.76 per barrel they voluntarily remitted 26 cents per barrel, or $6,500 of their claim.*a*

The only agents to purchase flour that it has been thought necessary to appoint are Mr. James M. Ranson, of the county of Jefferson, Va., and a party (whose name is not known because it has been very recently determined on, and has been intrusted, for special reasons, to Maj. B. P. Noland) for the county of Loudoun. Both these parties have received or will receive instructions from the post commissary at Manassas, to whom full authority has been given in the premises. The other purchases of flour have all been made through regular commissaries.

The amount of flour purchased up to this time will be found in the abstract of purchases, sent herewith.† A resolution passed by Congress at its last session directed the erection of bakeries to furnish "well-baked bread" to troops in the field, or in lieu of that, that contracts might be made for the supply of such bread. Such bakeries have been erected wherever practicable or where the Army Regulations did not provide for the case. But it was found necessary to procure a bakery in which hard bread should be prepared, an ample supply of that being represented as indispensable; and though these representations were not concurred in, yet it was deemed proper to meet this requisition, and accordingly, it being impossible to contract

a This contract, as will appear from paper marked D,* was for 25,000 barrels at $5.25 per barrel absolutely, and 25,000 additional at the same price, and an advance at the rate of 50 cents per barrel of flour for each 10 cents per bushel rise in wheat, if the Commissary-General should think the rise reasonable.

Two other contracts had been previously made, each for 20,000 barrels, at $5 per barrel; one of them with Scott & Langhorne, of Lynchburg, and one with Mr. Warren Slaughter, of Fredericksburg. These were the first contracts made. Had money been available a year's supply would have been attempted to be bought.

* Omitted. † Not found.

for any large amount of bread, a bakery was purchased and put in operation with complete machinery. Its full working capacity is 140 barrels of flour or 280 barrels of hard bread per day of twenty-four hours. Since the bakery has been in operation the wants of the Army for hard bread have decreased and there is now on hand here a stock of 2,700 barrels of hard bread and 330,000 pounds at Manassas. This bread, made of superior flour, is cheaper by 12½ per cent. than it could have been bought from outside parties making a very inferior article.

Sugar and molasses are purchased and only await transportation to be furnished in full supply at all the camps. These articles are had at New Orleans from first hands. Rice is being purchased under agencies which are now in the course of completion, and it is hoped bonds can be used exclusively in payment. In addition to the quantities of salt reported, contracts have been made with Messrs. Stuart, Buchanan & Co., at the salt-works near Saltville, in Southwest Virginia, to secure an ample quantity of salt for army supplies and for packing purposes. The first of these stipulates for 10,000 bushels of salt per month, at 75 cents per bushel of fifty pounds; the second for 22,000 bushels per month, at the same price, plus the cost of bags or barrels at the option of the manufacturers. Besides this about 40,000 bushels were purchased at Nashville at $3 per bushel, to be used in packing pork and beef, transportation from the salt-works being impossible. Besides the above-recited purchases or arrangements to purchase supplies of all kinds, local commissaries at various places have made and are making similar purchases by the direction or under the sanction of their respective commanders, whose duty it is, by Army Regulations, to give proper supervision in the case.

It will be observed that this department has not been conducted on the system of contracts by bids. That system as a whole is not approved of, though in some cases and in favorable circumstances it may be advantageously blended with the system of purchases directly or through agencies. But if it had been the best, as a general rule it could not have obtained in the administration of this department in the circumstances which have surrounded it.

Very respectfully, your obedient servant,

FRANK G. RUFFIN,
Major and Commissary of Subsistence.

EXHIBIT B.

Statement showing the actual and contingent number of beeves and hogs contracted to be slaughtered, and of bacon and fresh beef contracted to be purchased for and by the Commissary Department for the subsistence of the C. S. Army.

Williams & Lancaster, Bristol, Tenn., 12,000 hogs; T. J. Bretlow, Southampton, Va., 10,000 hogs; D. Morris & Co., Morristown, Tenn., 25,000 hogs; Wilson & Armstrong, Nashville, Clarksville, Bowling Green, and Patriot, 66,000 hogs; Wilson & Johnson, Loudon, Sweet Water, and State Line, 14,000 hogs; Government account, Thoroughfare, Va., 10,000 hogs; Government account, Richmond, Va., 1,300 hogs (beef is packed at both these places); John Blacknall, Oxford, N. C., 500 hogs; Cummings, Gilkeson & Co., Nashville, Tenn., 35,000 hogs, 6,000 beeves; Cummings & Waterhouse, Shelbyville, Tenn., 35,000 hogs, 25,000 beeves; Chandler & Co., Chattanooga, Tenn., 25,000 hogs, 2,000 beeves; J. H. Craigmiles, Cleveland, Tenn., 1,000 hogs;

H. B. Henegar, Charleston, 1,000 hogs; J. M. Toole, Maryville, 1,200 hogs; John Grant, Muddy Creek, 2,000 hogs; C. M. McGehee, Knoxville, 10,000 hogs; R. A. Porter, Alexandria, Va., 20,000 beeves; C. L. Snyder, Salem, Va., 2,000 to 3,000 beeves; D. Morris & Co., Morristown, Tenn., 500 to 2,500 beeves; Wilson & Johnson, Loudon, Tenn., 1,000 to 2,000 beeves; Wilson & Armstrong, Nashville and Clarksville, Tenn., 15,000 to 20,000 beeves; A. Cone, Bulloch County, Ga., contingent.

CONTRACTS FOR BACON.

George W. White, 1,000,000 pounds, or a sufficiency for Fort Smith and Fayetteville, Ark., 15 cents per pound; George W. White, 500,000 to 1,000,000 pounds, to be delivered at San Antonio, Austin, Navasota, and Jefferson, Tex., 15 cents per pound; John G. Todd, 450,000 to 650,000 pounds, Galveston, Houston, or Columbus, Tex., 15 cents per pound; P. C. Pendleton, 100,000 pounds or more, 17½ cents per pound; A Cone, bacon, contingent quantity, 17½ cents per pound; A. Cone, pickled pork, contingent quantity, 13 cents per pound; A. Cone, bulk meat, contingent quantity, 15 cents per pound.

CONTRACTS FOR BEEF ON THE HOOF.

George W. White, all required by the troops in West Arkansas, Cherokee, Creek, and Choctaw Nations, and as far north as Springfield, Mo., at 6½ cents net per pound; George W. White, all required by the troops for the coast of Texas, Corpus Christi, and all points east of it, at 6 cents net per pound; R. A. Harvard, in Confederate bonds at par, 8,000 to 10,000 pounds, Prairie Home, La., at 6⅓ cents net per pound; Price Williams, 3,000 pounds, Mobile, Ala., at 9 cents net per pound.

GENERAL ORDERS, No. 4.

WAR DEPARTMENT, ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 24, 1862.*

The following regulation is published for the information of all concerned:

FORAGE CAP FOR THE ARMY OF THE CONFEDERATE STATES.

Pattern—Of the form known as the French *kepi;* to be made of cloth.

For general officers and officers of the general staff and engineers—Dark blue band, sides, and crown.

For the artillery—Dark blue band; sides and crown red.

For the infantry—Dark blue band; sides and crown light blue.

For the cavalry—Dark blue band; sides and crown yellow.

MARKS TO DISTINGUISH RANK.

Four gold braids for general officers, three for field officers, two for captains, and one for lieutenants, to extend from the band on the front, back, and both sides to the top of the cap, and the center of the crown to be embroidered with the same number of braids.

For enlisted men the cap will be of the same pattern; the band to be dark blue, and, as in the case of officers, the several arms of service

will be designated by the color of the sides and crown—red for artillery, light blue for infantry, and yellow for cavalry. The number of the regiment will be worn in front in yellow metal.

In hot weather a white duck or linen cover, known as a havelock, will be worn—the apron to fall behind, so as to protect the ears and neck from the rays of the sun. In winter in bad weather an oilskin cover will be worn, with an apron to fall over the coat collar.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

MILITARY DEPARTMENT,
Columbia, January 25, 1862.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: Permit me to inquire of you whether or not the troops which were called into service in this State by Governor Pickens in November last, and placed under the command of Confederate officers, will be paid by the Confederate Government. Although all the time actually employed in the field under Confederate authority, they were never mustered into Confederate service. Their term of service will expire in a few days, when they will be disbanded and be called upon again to volunteer or be drafted and put into new organizations in conformity with the requirements of Confederate law. Inquiries are addressed to this department on the point submitted, and I will be pleased to have your answer.

With great respect, your obedient servant,

JAMES CHESNUT, JR.,
Chief of Military Department.

[JANUARY 25, 1862.—For Benjamin to J. E. Johnston, in relation to furloughs, &c., see Series I, Vol. V, p. 1045.]

SPOTSWOOD HOTEL,
Richmond, January 25, 1862.

Hon. JEFF. DAVIS,
President Confederate States of America:

DEAR SIR: I am quite sure you will pardon me for taking this method of continuing the subject of our conversation to-day. If any suggestions I can make should prove beneficial to the Government or satisfactory to you, I shall be thankful that I have been of some service to my adopted country. If useless I shall regret troubling you with them. First, as to the economical and speedy transportation of Government troops and freight. The more reflection I give the subject the better am I satisfied that written contracts should be entered into with the several railroad companies of the Confederacy for the transportation of Government troops, munitions of war, and supplies, stipulating the price to be paid to each company, and that Government freights should have preference over all others as to time of transit, and that the Government trains should run day and night.

I would also stipulate that if the Government should supply its own cars, they should be transported at a certain rate per mile with their loads of not exceeding 16,000 pounds. If a greater weight is contained in a car, the excess to be paid for at a price to be agreed upon, and these cars to have preference over all other freight cars as to time of transportation. I would also suggest that one, two, or three general freight agents be appointed in different sections of the Confederacy as superintendents of Government transportation, and to see that the conditions of the contracts were complied with, and that these general agents should have power to select messengers to travel with Government trains to prevent delays and secure speedy delivery. These messengers to grant to each company a certificate setting forth the quantity of freight transported, the distance carried, and the amount to which it is entitled therefor. These certificates to be the only voucher required for services performed. Thus simplifying the mode of settlement now in use, and preventing overcharges of weight or price to be paid.

As to Government cars, I think contracts could be made with the several railroad companies and individuals for the manufacture of 300 or 400 or more cars if springs or materials for springs can be obtained. The shops of the South Carolina road at Charleston, the Georgia Central at Savannah, the Georgia road at Augusta, the Memphis and Charleston road at Huntsville, and the Mississippi Central road at Holly Springs, perhaps others, could all manufacture cars. Besides these there are shops at Charleston, Augusta, Ga., Atlanta, Ga., at Nashville, Tenn., near Amite City, Miss., belonging to individuals that would doubtless contract to deliver cars. In addition to these there have been cars manufactured at the Georgia Penitentiary for years. Wheels and axles can be obtained in a reasonable time at Lynchburg, Richmond, and Knoxville. As to locomotives and other engines, as I stated in conversation, there are but few railroad shops on long roads but what are capable of turning out engines with a small increase of mechanical force if materials can be procured. The materials most in demand are steel boiler-plate, sheet-iron, and flues for boilers. I think all but the steel may be supplied within the Confederacy within a few months. Engines have been made at the railroad shops in Charleston, Savannah, and Atlanta, and could be at those in Richmond, Lynchburg, Petersburg, Nashville, Memphis, and Holly Springs, and probably at Vicksburg. Rolling-mills are required for rolling railroad iron and many other articles connected with the manufacture of engines. A mill to do effective work would cost from $100,000 to $150,000. If two or three were erected in as many different sections of the Confederacy it would result in great saving of transportation. Mark A. Cooper, in Western Georgia, has a rolling-mill and nail factory. By some additions it could soon be made to supply many articles now needed. It is in close proximity to a fine quality of iron ore and coal, and possesses water-power of great superiority. Mr. Cooper, I understand, is somewhat embarrassed, and it is probable his works could be purchased on favorable terms as to price. I think Huntsville, Ala., offers many advantages for rolling-mills, workshops, &c. It possesses an abundant supply of water for steam power, is in close proximity to iron and coal, a healthy situation, and easily accessible. The same remarks would perhaps apply to Tuscumbia, Florence, Decatur, and Nashville. Mr. Tanner, of

the Tredegar Works, informs me they will have a rolling-mill in operation by May, and will then be able to furnish some railroad supplies, such as tire-axles, boiler-plate, sheet-iron, &c. There are in Shelby County, Ala., perhaps the most valuable beds of iron and coal in the whole South. At present it is inaccessible.

There is a convention of railroad presidents called in this city on the 5th proximo. The object of the meeting, as I understand it, is to devise some method whereby they may obtain such supplies as will soon become a necessity. The period of that meeting will be a favorable time to ascertain the disposition of the several companies to enter into contract with the Government for transportation of freight, and to give aid and assistance in erecting rolling-mills. The ability of the several companies to manufacture engines could then be also ascertained.

I have, dear sir, to crave your indulgence for this protracted letter. I could not say less; perhaps should have added more, but for the trespass on your time and patience.

I am, with respect, your obedient servant,

W. GOODMAN.

AN ACT for the relief of the State of Missouri.

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury is hereby directed to issue to the State of Missouri, upon the application of the fund commissioners for said State, $1,000,000 in Treasury notes, upon the condition that the said State of Missouri deposit with the Secretary of the Treasury of the Confederate States an equal sum in the bonds of the State of Missouri, authorized to be issued under an act of the Legislature of said State, entitled "An act to provide for the defense of said State, and for other purposes," which bonds shall be held by the Secretary of the Treasury until the accounts of the State of Missouri for advances made for military purposes are adjusted as Congress may direct.

SEC. 2. That upon the final adjustment of the accounts of the State of Missouri against the Confederate States, the sum hereby advanced shall be deducted from the amount found due to said State.

SEC. 3. The sum hereby appropriated shall be applied by the State of Missouri to the payment of troops in the service of the said State prior to their muster into the Confederate service.

Approved January 27, 1862.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, January 28, 1862.

B. FALLON, Esq.,
New Orleans, La.:

SIR: In reply to your communication of 28th instant [ultimo] I inform you that I cannot accept your propositions, but will enter into contract with you as follows, viz:

First. You are to introduce into some port of the Confederate States east of the Trinity River, Tex., the articles (or as many thereof as you can) embraced in the list inclosed and signed by me. Your deliveries are to commence as promptly as possible.

Second. You are to purchase these articles on as reasonable terms as you can, and to receive in payment their cost with 50 per cent. profit and reimbursement of freight, drayage, package, and cost of loading at the port of departure.

Third. For freight you will be allowed twice the current rates of freight from the port of loading to the port of Havana for articles of merchandise under neutral flags—say flags of England, or France, or Spain

Fourth. Payment to be made to you on arrival and delivery of cargo in a Confederate port in good order. This Government assumes no risk whatever, but will pay on delivery for the articles received at the rates above agreed on, in cotton, at current market prices, which cotton you shall be at once at liberty to export for your own account and risk. If you bring your cargo into a port where there is no cotton market, the cotton will be delivered to you at the nearest cotton port to the one you enter.

Fifth. The articles purchased by you will be inspected by an officer in our service in Europe, and when once inspected and received by him as satisfactory no further question of quality will be made, unless the articles be damaged in transportation. This damage is at your risk.

Sixth. You are to exhibit this contract to some one of our commissioners in Europe, who will designate the officer that will inspect your cargo at its port of loading, and furnish you a certificate of his inspection.

Seventh. This contract shall cease upon the restoration of peace between the United States and the Confederate States, but this Government will receive and pay for all articles that may be actually shipped under its terms before it shall be publicly announced in the newspapers of France and England that peace has been made. The articles referred to are as follows: Two hundred tons of saltpeter; 200 tons cannon-powder; 100 tons rifle or musket powder; 20,000 rifles or rifled muskets, with bayonets; 5,000 carbines; 5,000 revolving pistols for cavalry; 5,000 sabers for cavalry, with belts; 1,000 sabers for artillerists, with belts; 50 tons of bar steel, assorted sizes, from 1 inch square upward, chiefly smaller sizes; 100 gross of files, assorted sizes, for armorers and finishing purposes; 400 gross assorted screws from $1\frac{1}{4}$ inches to $2\frac{1}{2}$ inches; 40 carboys nitric acid; 100 carboys sulphuric acid; 50,000 pounds of leather suitable for harness and bridles.

Respectfully,

J. P. BENJAMIN,
Secretary of War.

WEDNESDAY, *January 29, 1862.**

* * * * * * *

Mr. Waul, from the special committee appointed to examine into the Quartermaster's, Commissary, and Medical Departments, made a report, which was laid on the table and ordered to be printed, and is as follows, to wit:

REPORT.

The committee appointed under the resolution of Congress "To inquire into the organization and administration of the Medical, Commissary, and Quartermaster's Departments, and to report what changes in the laws and regulations

*From Journal of the Provisional Congress.

are necessary and proper," beg leave to report, that after the passage of the resolution they called upon the Secretary of War and obtained his zealous co-operation, and, provided with letters from him, they visited the departments referred to, the principal army corps and posts, hospitals, and depots, every facility being afforded them by the officers in charge for the favorable prosecution of their inquiries.

The resolution comprises all that relates to the supply and transportation of troops in the field or in camp, or that tends to promote the health and comfort of the soldier—it embraces the administration of the civil polity of the Army, as distinguished from its command.

The labors of these departments penetrate the entire military establishment, breathe life into the Army, nurture its growth, give it strength and efficiency in the field, maintaining its health and facilitating its movements; vigilant, prepared, and present, it moves unnoticed amid the stirring events of the field, and obscured by the dust and smoke of the combat it remains unobserved even while collecting the fruits of victory.

To insure success in a military enterprise, its civil administration should be harmonious with and subordinate to its command. The inefficiency of a quartermaster or commissary may effectually check the progress of an army, and the demands of an officer may destroy the most perfect administration, through his inability to comprehend the difficulties or even the facilities for procuring subsistence or transportation.

That the immense Army now in the service of the Confederacy, suddenly collected—men and officers generally inexperienced in camp life and military duty—should be clothed, fed, armed, and moved with the facility of a permanent organization, was not to be expected, and in guarding against abuses or suggesting changes, it is with a view to present emergencies, temporary in their character, rather than to subvert a system of regulations simple in their construction, yet comprehensive enough when properly administered to achieve the objects intended.

QUARTERMASTER'S DEPARTMENT.

The Quartermaster's Department is expected to give effect to the movements and operations of the Army, prepare quarters, hospitals, camp and garrison equipage, transportation, and all military stores, provisions, ordnance, and ordnance stores, furnish storage for all military supplies; provide fuel, forage, and straw; supply blankets, shoes, and clothing; procure cavalry and artillery horses, purchase and have the custody of all horses, mules, and oxen, harness, wagons, carts, boats, and other means of transportation; contract for and regulate the transportation of troops and supplies upon railroads and steam-boats. It is responsible for the prompt and safe transmission of all supplies; for the payment of the troops when in service or discharged, and in general contract and pay for such services as are not specially designated in the duties of any other department.

The committee was greatly assisted in its investigations by the system of entries and analysis of estimates and disbursements in the office of the Quartermaster-General at Richmond, by which it is enabled to determine not only the supplies and transportation on hand and where located, but also the exact state of the account of every officer attached to that department throughout the Army.

These returns and entries show that clothing, camp and garrison equipage are accumulated at depots situated in Richmond, New Orleans, Memphis, Charleston, Savannah, San Antonio, and Fort Smith, to be distributed, upon requisition, to the troops in their vicinity. These supplies, together with shoes and blankets, are on hand, or have been distributed in such quantities as, with the aid given by the contributions of States and individuals, to place our troops beyond the danger of suffering during the present winter; while the experience of the past, the knowledge of the resources of the country, and the power to husband, systematize, and render them available, furnishes an encouraging prospect for the future.

Clothing and commutation.—It is the duty of the Confederacy to have the Army well clothed and, to attain this end, no commutation in money should be allowed until it appears that the volunteer has a supply of clothing at least equal to the amount allowed by the regulations. If furnished from private resources with the principal articles, the commutation money due might be paid to the captains to be expended, first in procuring such articles as are necessary to make up the deficiency, and the balance given to the volunteer.

Depots for supplies.—The number and extent of the depots for arms, ordnance, clothing, and stores for the consumption of the Army should be greatly increased and established at secure places near the fields of operation.

Railroad transportation.—The amount of transportation required demands that every legitimate means should be used to increase the capacity of that branch of

the service, and for this purpose the committee recommend that military control be taken of the principal railroad routes terminating at or passing through Richmond, Nashville, Memphis, Atlanta, and all routes leading to the headquarters of our several army corps, which should be placed under the direction of an efficient superintendent, free from local interests, investments, or connection with special railroads. Great delay, inconvenience, and expense is caused by the numerous unconnected tracks, which, if joined by links, short in distance, would not only increase the facilities for transportation and the capacity of the roads, but would save much time, labor, and expense in transferring troops and freight.

There is a deficiency of rolling-stock on the most used and important railways and branches which could be remedied under a proper administration and distribution of stock, taken from roads where there is a superabundance, and adding where deficient, thus equalizing the supply throughout the Confederacy. Wherever desirable for the public defense, the same stock should pass over the longest available route, and when the width of the grades differ the roads should approach to proximity until a change of width would permit the connection to be perfected. With proper management the capacity of the principal routes can be increased to six trains each way per day, with an average speed of ten miles an hour, while the present transportation is not above two trains a day, and the rate of speed not more than six miles an hour.

Wagon transportation.—The committee are satisfied that the wagon transportation is inadequate, and if the Army was furnished with the full amount allowed by the present Regulations, it would still be insufficient. Our volunteers arrive in the service unused to camp life, encumbered by an allowance of clothing hardly sufficient for their need, yet beyond the amount allowed by Regulations. Overtaken by disease, and with conveniences though scanty, yet forbidden by the frugality and thrift suited to the educated soldier, when a movement is made, the line of march may be traced by the cheap comforts and extra blankets cast aside, to be deeply regretted by the soldier at his next camping ground. From causes like these much suffering has been endured by our troops in exposed situations, especially in Western Virginia, where the transportation was barely sufficient to keep subsistence enough for the daily ration while on the march from Jackson's River to Sewell Mountain.

The amount and necessity for accumulated transportation has been greatly increased by permitting the Army to feed and forage upon the neighborhood where stationed, each succeeding day widening the circle which it exhausts, and to the same extent protracting the distance for transportation, in addition to destroying the source of supply by taking from the country its present subsistence, and its means for furnishing another crop.

This system enhances the price of all products to the Army and the inhabitants, until, forced to abandon their residences, they emigrate in pursuit of cheap food, and leave their homes depopulated. By adopting a different policy, with the judicious use of railways to penetrate the productive regions, and by the aid of wagon transportation, connecting with the neighboring granaries, the supply might be rendered regular, cheap, and of better quality.

Hospitals and stations.—Connected with, and auxiliary to, this subject, the committee advise that hospitals and stations for the wounded, sick, and convalescent should be provided at a distance from the camps or crowded cities wherever pure air, good water, and an abundance of food would recommend them, leaving for the use of the able, active soldier a large quantity of food and transportation, and removing from the Army an incubus which, with its limited transportation, renders rapid movement impracticable.

Transport trains.—Transportation being the motive power of the Army, without it the most thoroughly organized and disciplined corps is useless and its services unavailable. To be efficient it should be systematized and trained to a performance of its duties. Competent wagon-masters should be selected, and an enlisted or hired number of teamsters engaged, who, by their skill, attention, and adaptation to this service, would faithfully perform their obligations.

The custom of detailing volunteers for this service is fraught with trouble; horses, harness, and wagons are neglected until a movement is required, when the death, disease, or starved condition of the horses, the loss of harness and breakage of wagons, render it impossible, or its performance so defective that suffering to the sick, loss of baggage to the well, and discomfiture to the designs best arranged and matured are the probable results.

Payment of troops and creditors.—Admitting the efficiency of the Quartermaster's Department, as at present constituted for a peace establishment, to be equal to the duties with which it is charged, it would be relieved of much of the embarrassment and complication caused by the magnitude of the present war should a separate pay department be established.

Some discontent has arisen among the troops from a failure to pay them with regularity, particularly at posts and places distant from headquarters or the homes of the volunteers.

To detail an instructed and experienced quartermaster from headquarters for this service would frequently leave a post or important position unsupplied and the necessary routine neglected, and to send an officer new to the service and unacquainted with its duties would result in injury to the department, ruin to the officer, or loss to the soldier. Punctuality is important in all the dealings of Government; it is particularly so with its Army. The troops should be paid every two months, and to insure its punctuality the pay-rolls should be prepared after each muster under the superintendence of an inspector and handed over to the officers of the Pay Department for payment.

The system in force in the U. S. Army might be adopted by adding thereto paymasters, with the rank of captain, requiring the senior paymaster in each district to make an estimate and receive funds for the whole of his district upon estimates made by the regimental quartermasters, who might pay their regiments from the funds received for that purpose from the district paymaster, leaving the field and staff of the divisions and brigades and other floating accounts to be settled by the district paymaster.

The quartermasters unattached to regiments and acting as pay officers might be transferred to the Pay Department, and by their experience facilitate the adjustment of accounts and payments of troops at points where there are no regiments, the sick at general hospitals, and discharged soldiers. The need of this supervising power has caused large amounts of money to be twice paid to soldiers discharged for debility, necessity requiring in many cases payments to be made upon the statement of the soldier himself. Some dissatisfaction has been manifested by the creditors of this and the Subsistence Department from the want of punctuality in settling the debts contracted to be paid at the specified time, and this uncertainty of payment has caused exactions to be made and prices demanded of the Government officers greatly above the market rate, particularly at places distant from the capital, where credit is all important. This has been aggravated by the difficulty in preparing Treasury notes, the absence of facilities for transferring the funds, the trouble and responsibility of transmission, as well as the more pressing emergencies, or urgent solicitations of claimants, more convenient to headquarters.

SUBSISTENCE DEPARTMENT.

To maintain an abundant and regular supply of provisions for the soldier is the paramount duty of the commissary of subsistence, and to it everything else must be subordinate. To economize the public money and to justify expenditure and disbursement by well-authenticated accounts are important considerations, but even these must yield to the one great object of military administration—to keep the soldier in fighting condition at all times and under all circumstances.

Without system in the administration of this department the most fertile genius would prove powerless, and the most abundant resources insufficient; yet, so varying are the circumstances attending active warfare, so much influenced by the character of the operations, the resources and extent of the country, the disposition of the population, the confidence and credit in the Government, that far more reliance must be placed upon the intelligence, the ability, and the zeal of the commissary than upon any system established for general guidance. It is in availing himself of every expedient, in seizing every opportunity, in guarding against all risks and providing for all contingencies that the highest qualities of a good officer are put to the test. He must not rely on rumors or trust to probabilities; he must depend upon his own judgment and energy, and, by exerting all his foresight, skill, and decision, anticipate the wants of the troops in whatever position they may be placed.

The machinery, perfectly adapted to a season of peace and a country replete with resources, would entirely fail during a state of war with the ordinary source of supply stopped or diminished.

The returns of this department show that although its chief supply has been obtained within the Confederacy, heretofore considered insufficient to support its population, with an untiring, vigilant, and remorseless enemy surrounding and endeavoring by every means to starve as well as subjugate, we have had our Army well fed, and with an amount on hand so large as to place us beyond the reach of want for the ensuing campaign, and trusting in a kind Providence for our usual seasons and the preparations that are made throughout the Confederacy for the next crop, we need fear no coming want.

Purchasing agents.—To protect the department against the fluctuations and combinations of trade, which are considered legitimate and generally used against the Government where it enters the market as an open purchaser, the Commissary-General should have power, with the approval of the Secretary of War, to select agents from able and practical business men to make purchases at distant points, and a proper discretion allowed them, without referring to the department for confirmation.

Rations and cooks.—The ration, as restricted by the Regulations, is in many respects unsuited to the habit of our volunteer force. Rice and corn-meal, hominy, pease, tea, milk, molasses, and vegetables (particularly potatoes and onions), should be distributed whenever they can be reasonably obtained, and substituted, by a scale to be prepared by the commissary, for the ordinary ration. Flour should only be given in cases of necessity, or where ovens are used by the company or regiments. Bakeries should be established for hard bread at places convenient to the different army corps. Ovens should be erected in every regiment and loaves of bread distributed, so as to avoid the unwholesome mass which constitutes the ordinary specimen of cooking by Southern soldiers. Cooks should be hired or enlisted, at least two to each company, so that well-cooked, wholesome meals may be regularly served, and the cooking inspected at each meal under the direction of the officer of the day. To insure small comforts, the committee recommend that 2 or 3 cents per day be allowed each volunteer, to be disbursed by the captain. That the ration of coffee and sugar be increased to ten pounds of coffee and fifteen pounds of sugar for 100 men. That the surplus rations be under the charge of one of the sergeants, whose duty it shall be to sell them and purchase vegetables and other food not supplied by the Government, for the benefit of the company.

Hospital rations.—The regulations provide that the rations not consumed in the hospitals shall be commuted in money and constitute a hospital fund, from which articles for the sick may be obtained. Under this regulation no money has been furnished the regimental commissaries, and the sick are unprovided for, or forced to use the ordinary ration of beef, bacon, and coffee. This neglect calls for an immediate remedy.

Sutlers.—The comfort of the volunteer would be consulted by a definite number of sutlers, judiciously selected, properly restricted, and a tariff of prices with moderate profits adopted. Much information has been obtained by the committee from the Commissary Department, to be submitted to Congress, but the answer of the Commissary-General to the resolution of Congress including all that is important, and in more elaborate form, the committee beg leave to refer to that communication for the routine of purchase, &c.

MEDICAL DEPARTMENT.

In relation to the Medical Department, in its organization and administration, your committee report that there is, in the laws regulating that department, no want of power for its efficiency, and, except in a few particulars, no necessity for a change in the regulations which control it.

The authority of the Surgeon-General is ample in the direction of the administration of his department, and, under ordinary circumstances, the medical staff is, perhaps, sufficiently numerous. But, in visiting the camps and hospitals, your committee were deeply impressed with the inadequacy of the preparations and provisions for the comfort of the sick soldiers, as well as the obvious causes for the unusual amount of disease prevailing amongst the troops. Much is to be ascribed to the nature of the service and the persons who compose the Army. The volunteers when at home were not generally accustomed to care for themselves, usually living in families who provided for their comfort and nursed them in sickness, unused to exposure, and entirely unaccustomed to the preparation of their food. When in addition to this it is considered that the summer was unusually rainy, and that a very large proportion of the men contracted the measles in the camps, it could not be otherwise than that there should be great suffering and great mortality. It is the peculiar characteristic of measles that the system is left liable to the invasion of the most formidable diseases, upon exposure a short time after undergoing an attack. Fever, pneumonia and diarrhœa, the scourges of camps and armies, follow in the wake of measles where the convalescents are exposed to cold and wet; and when to this we add unsuitable diet, badly-ventilated tents and hospitals, there can be no surprise at the number of sick in the Army, as well as the great suffering and distress.

Your committee found in some regiments but one surgeon or assistant surgeon, sometimes a private detailed from the ranks, who happened to be a physician, to

a number of sick too great for any one man to attend properly, placed under his care. The diseases prevalent in the Army are camp fever, measles, pneumonia, diarrhœa, and dysentery. All of them partook of the depressing character of the camp fever, being of a typhus tendency. In some localities the typhoid fever was found greatly aggravated in its progress by the general morbid influence of the atmosphere of the camps.

The armies on the Potomac and in Western Virginia suffered greatly; those troops in Cheat Mountain and in the vicinity of the Kanawha Valley most intensely. The wet and changeable climate, the difficulty of transportation, exposure to cold and rain, without tents, the necessary consequence of the frequent forward and retrograde movements, as well as the impossibility of always obtaining suitable food for either sick or well men, produced most of the sickness and greatly aggravated it after its accession.

There were no hospitals in reach of those armies, and it became necessary to subsidize all suitable buildings in reach for the use of the sick, who often accumulated so rapidly as to fill them to crowding.

The rapid movements of armies hourly expecting battle created a necessity for the removal of the sick into the rear at a time when transportation was greatly in demand and at all times insufficient. Under these circumstances the sick in all stages of disease—sometimes when merely moving them must be fatal—were crowded into wagons and delivered at points where, from their unexpected number, there was no adequate provision either for their food or shelter, and in such cases the suffering as well as the mortality was greatly increased.

The diseases in the Peninsula were exceedingly severe and the cases very numerous. They were usually of the miasmatic character, to which men from the upper country would be subject. These, too, were greatly aggravated by measles, which also scourged these camps. In the early part of the campaign there was a great deficiency of hospital accommodation there, but now, in Yorktown and Williamsburg, that want has been in a great measure supplied.

Whenever hospital accommodation was possible, and a due regard paid by those in charge, much of the suffering of the sick was avoided, especially where those hospitals were within a convenient distance, and the transportation at all adequate to the gentle and merciful removal of the sick and helpless.

Your committee were impressed with several evils which, as they are clearly within the reach of remedy by the present laws, will be mentioned, as those which could be obviated by a more full administration of their provisions.

First, upon examination of the medical stores at the various hospitals and camps, with a few exceptions, they were incomplete and insufficient in many of the leading and necessary articles for the prevailing diseases. Second, there was a great deficiency in surgical instruments, and those in possession of the surgeons often very inferior and ill adapted to the service. This they, however, feel assured was the result in a great measure of the almost insuperable difficulty of obtaining a supply in the present state of our commercial atrophy. But it is presumed that sufficient encouragement would secure the manufacture of instruments within the Confederate States. The Surgeon-General assured the committee that this difficulty was in a fair way to be overcome. Third, the great insufficiency of transportation to be devoted to the service of the Medical Department, in the camps and at the hospitals. A great increase is indispensable; the want of it has produced much of the mortality and much of the suffering. Sick men, on the advance of the enemy, are crowded into common wagons and ambulances, moved rapidly over bad roads, jolted and rendered uncomfortable, the maladies aggravated, and, in many instances, dying in the removal. Fourth, the regulations requiring reports from the regiments as to the number of sick, their diseases and the wants of the medical station, have not been complied with. The result of this neglect is that, upon a change of position in the Army, it has been the unhappy consequence that the number of sick greatly exceeded that indicated by the reports. They have been hurried to the rear, where the accommodations, both as to food, shelter, and medical attendance, being all insufficient, there has been great suffering and great mortality. Upon inquiry the committee learned from the department of the Surgeon-General that on various occasions, without sufficient notice, large numbers of sick have reached Richmond in the cars, when attention to them was impossible. Your committee also found upon examination that the regulation requiring that the regimental surgeon should, whenever a sick soldier was sent to the hospital, his descriptive roll as well as the nature of his disease, should accompany him, has been sadly neglected. The evil of this neglect is felt in the impossibility of prompt medical treatment, as well as the almost insurmountable difficulty which obstructed every effort of friends to find and identify those to whom their attentions were so desirable. No legislation is necessary to cure this evil. The fault is with the surgeons and the

officers of the regiments and the posts. Their authority is complete, and the evils referred to arise from the want of its exercise. In none of the hospitals accurate lists of the sick, convalescent, discharged, and dead have been found, but in a vast majority of instances that list, instead of being made from regimental returns accompanying the sick, have been the result of inquiry and observation by the hospital surgeon. When to this is added that the absence of the descriptive roll prevented the sick from the use of their pay in the purchase of comforts for themselves, your committee feel it due to truth and justice to notice this neglect as seriously injuring the service. Fifth, the indifferent as well as the unwholesome food provided for the sick, and the use of which by well men made them sick, attracted the attention of the committee. The rations were wholesome, sound, and abundant, but the cooking, particularly the bread, rendered it unsuitable for either sick or healthy men. Bread hastily made up of flour and water and imperfectly baked, almost incapable of being digested, was deemed a most fruitful source of disease. It was apparent at those camps where well-baked bread was served to the men that the amount of disease was greatly reduced. We think bakeries in Richmond and other convenient localities might be provided, and by serving good bread to the soldiers the saving in material would greatly overbalance any expense to the Government. Until good bread is furnished to the Army we look in vain for a permanent restoration of health. The rapid recovery of many who have been permitted to return home to get well demonstrates the efficacy of wholesome and nutritious diet rather than the use of medicines. The great majority of the deaths result from the want of proper nutriment, such as the impaired digestion of the patient can assimilate, and without which it is impossible for him to recover. At Norfolk, at Staunton, at Charlottesville, the amelioration of the condition of the sick, by improved nutriment and comfortable hospitals and hospital surgeons, was strikingly apparent. The sickness and mortality at Norfolk were inconsiderable because of the fresh vegetables, the good bread, good hospitals, and all the comforts necessary for the sick. Sixth, the establishment of a corps of nurses for the camps, as well as the hospitals, would do much to mitigate the evils incident to the condition of the sick in camps. Good nursing is of equal value to medical attention. Without it the best skill is often unavailable. Constant attention and control of the sick cannot be dispensed with, and the faithful application of remedies prescribed cannot be expected from the attention of casual nurses. Our volunteer army are unaccustomed to such duties, and we shall vainly look for great improvement without the presence of constant and competent nurses for the sick.

Much of the insufficiency of the medical staff is to be attributed to unavoidable evils in the mode of appointment in the sudden organization of so large an army. It was impossible for the head of this Bureau to be thoroughly informed of the fitness of applicants for the position sought by them in the medical staff. He was necessarily dependent upon such means of information as the circumstances would allow, and depended mainly upon the recommendations of the field officers of the regiments to which the surgeons and their assistants were to be assigned. In this way many very young and inexperienced persons were recommended and appointed, and much evil resulted from their want of qualification for their duties. The older and best of the physicians of the country were not usually applicants for the places, and the selection was to be made from those who offered their services. The history of the war up to a month or two since has fully developed this evil, and the institution of a board of examiners, it is hoped, may afford some remedy. The service demands the best talents and the most enlarged experience, and the greatest circumspection is indispensable in assigning to such responsible duties those who seek appointments in the medical staff.

The want of medical stores is the result, in a great measure, of the existing blockade, and the expense and difficulty in procuring those foreign medicines which are indispensable for the sick, and it is but just to say that great and unusually successful efforts have been made by the department in obtaining them. The hospitals established by many of the States for the sick and wounded, and the admirable manner in which they have been conducted, demonstrates that, with the same care on the part of the Confederate Government, the condition of the sick and the prospects of recovery would be greatly improved. Hospital room and an increase of hospital surgeons and assistants are greatly needed.

In connection with the views of the committee upon the means best adapted to the preservation of the health of the Army and the restoration of the sick, they would call attention to the necessity of providing some practical, simple, and easy mode of obtaining furloughs for sick soldiers to visit their homes.

The regulations requiring the certificate of the surgeon of regiments or hospitals when the sick are far distant from their command, and the certificates of commanding officers opposing the application, is, in a large proportion of the

cases, a virtual denial of the privilege. Observation proves that whenever it is possible to remove the sick, in the low depressing diseases of the camp, preying as much on the mind and spirits of the sufferer as on his body, a furlough and return to home and its associations caused speedy recoveries and return to duty. Some modifications of the law and regulations on this subject is indispensably necessary, or we may look with apprehension for the recuperation of our Army by volunteers in the spring. They would recommend such legislation as would reach all cases removed from the regiments to hospitals by authorizing those in command of stations to grant furloughs or discharges and simplify the process by which they are obtained, whilst sick, under the immediate observation of regimental authority.

The committee cannot close this part of the subject without a testimonial to the kindness and patriotism of our citizens at home, manifested in their unremitting efforts to supply the wants and relieve the sufferings of the soldiers, sick and well. The supply of money, clothing, and hospital stores derived from this generous source is not only of immense value in itself, but the most cheering indication of the spirit of our people in the cause of our independence. The women of the country, with the tenderness and generosity of their sex, have not only loaded the cars with all those appliances for the comfort of the sick which their patriotic ingenuity could devise, but have also come to the rescue in clothing those who are well and bearing arms in the field. They have made large pecuniary contributions, taken charge of the hospitals established by the States, and, as matrons of those institutions, have carried cleanliness and comfort to the gallant soldier far from home and kindred. To the women of the country simple gratitude demands that public thanks be given and a public acknowledgment of their faithfulness in the glorious work of effecting our independence. As a part of their duty, the committee visited and examined the prisons and hospitals of the prisoners in Richmond. The sick and wounded are fully cared for, and the food furnished for all was both wholesome and ample. There was no cause of complaint in the entire management. Both medical attention and the supply of necessaries for food were such as justice and humanity demanded.

Inspection and reports.—The health, comfort, and efficiency of the Army results less from defects in legislation than the proper enforcement of the Regulations and a regular and thorough system of inspection.

The offices of adjutant and inspector general, now united, have distinct and separate duties. The labors of the adjutant generally confine him to his desk; those of the inspector demand his active presence in the field. The adjutant is the channel of communication in all matters relating to the discipline and organization of the Army, and these officers are constantly occupied with the details of service and in office duties. The duty of the inspector is, by personal investigation, to learn whether the rules and regulations of the Army are properly enforced, and to report when, where, by whom, and in what manner they have been neglected.

A detail of the duties and the requirements of the reports are embraced in the following sections of the Army Regulations:

"INSPECTION REPORTS.

"462. Inspection reports will show the discipline of the troops, their instruction in all military exercises and duties; the state of their arms, clothing, equipments, and accouterments of all kinds; of their kitchens and messes; of the barracks and quarters at the post; of the guard-house, prisons, hospital, bake-house, magazines, store-houses, and stores of every description; of the stables and horses; the condition of the post school, the management and application of the post and company funds; the state of the post and regimental and company books, papers, and files; the zeal and ability of the officers in command of troops, the capacity of the officers conducting the administrative and staff services, the fidelity and economy of their disbursements, the condition of all public property, and the amount of money in the hands of each disbursing officer; the regularity of issues and payments; the mode of enforcing discipline by courts-martial, and by the authority of the officers; the propriety and legality of all punishments inflicted; and any information whatsoever concerning the service in any matter or particular that may merit notice or aid to correct defects or introduce improvements.

"463. Inspectors are required particularly to report if any officer is of intemperate habits, or unfit for active service by infirmity or any other cause."

The importance and extent of these duties show that all the time, attendance, and labor of an efficient corps is necessary for their performance, with such rank as to induce respect and obtain able and energetic officers. The separation would

be less imperative in an army thoroughly organized and disciplined, but the immense number of raw recruits and uninstructed officers renders it indispensable to indoctrinate as well as to supervise. The reports should be made to the Inspector-General at the War Department, as well as to the commander to whose staff the inspector is attached, thereby insuring the performance of the duties by the inspectors enforcing the requirements for officers to remedy defects throughout their command, and bringing before the Secretary of War a knowledge of the condition of the Army.

Medical Inspectors.—By the Regulations the medical director is made the inspector of hospitals, and required to enforce the regulations, &c. Like the adjutant, his time is so much occupied by the details of service that in most instances this important duty has been neglected, and the committee suggest, for the consideration of Congress, if it is not due to the proper care of the sick and the protection of the well from disease to add officers to the present medical staff, whose duties should require them to inspect and report upon the sanitary condition and police of hospitals, camps, and posts occupied by troops, and the skill and efficiency of the officers, stewards, nurses, and employés attached to this department.

All of which is respectfully submitted.

T. N. WAUL,
For the Committee.

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AN ACT to amend an act entitled "An act to provide for the public defense," approved March sixth, eighteen hundred and sixty-one.

The Congress of the Confederate States of America do enact, That the act entitled "An act to provide for the public defense," approved March sixth, eighteen hundred and sixty-one, be, and the same is hereby, so amended that the provisions of the second section of said act, limiting the term for which the militia may be called into service to a period not exceeding six months, shall not apply to men drafted into service by the several States, and furnished by said States to the President, for service for three years or during the war, in response to requisitions made upon said States according to law.

Approved January 29, 1862.

AN ACT to aid the State of Kentucky, and for other purposes.

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury is hereby directed to issue to the State of Kentucky, upon the application of the Governor and council of the provisional government of said State, the sum of $2,000,000 in Treasury notes, to be expended by said Governor and council in raising and organizing, for the Confederate service, troops in said State, supplying the same with clothing, subsistence, transportation, arms, and ammunition.

SEC. 2. The sum appropriated by the first section of this act is to be drawn from the Treasury of the Confederate States by the Governor of Kentucky, with the approval of the President of the Confederate States, from time to time, and in such sums as the Governor of Kentucky may need to carry out the objects of this appropriation, the Governor filing, before making his requisitions upon the Treasury, with the Secretary of War, estimates showing the purposes and objects to which said sums of money are to be applied.

Approved January 29, 1862.

JACKSON, MISS., *January 29, 1862.*

Hon. R. M. T. HUNTER, *Secretary of State,*
Hon. J. P. BENJAMIN, *Secretary of War,*
Hon. J. D. B. DE BOW, [*Agent*] *Cotton Loan,*
Richmond, Va.:

GENTLEMEN: Permit me to call your attention to the inclosed copy of a letter from R. M. Davis, president of the Bank of Louisiana (who is a gentleman of the highest standing, has extensive information, is true to our cause, and has just returned from Europe), and to the accompanying documents, to wit, a report* of a select committee of the Mississippi Legislature, and a slip* signed "Scipio" from the same source. Believing the Government lacked the funds necessary to purchase such vessels as could drive the blockaders from our ports by first attacking them at one point and then another, the object of the report is to bring an additional number of men with their money into the financial and military contests now going on, and place them under the direction of the President for the purpose of defeating the enemy in their present scheme to purchase or capture our cotton. We believe one or two discreet and competent commissioners or agents could in a short time form such a combination in the sea-coast cities as would effect the desired object. If there was no chance for the manufacturing interests to obtain cotton through the blockaders, the probability is that the blockade would be abandoned or broken up. So long, however, as the blockade may be the means of supplying the manufacturing interests of the North and Europe with cotton at half prices, we think there will be little anxiety out of our own limits to see it broken up. Should the Government favor the proposed plan Mr. Davis would make a good agent on the other side of the water, and is ready to act under the proper authority.

Very respectfully, yours, &c.,

J. B. GLADNEY.

[Inclosure.]

NEW ORLEANS, *January 14, 1862.*

J. B. GLADNEY, Esq.,
Jackson, Miss.:

DEAR SIR: In reply to your inquiries in relation to the opening of our ports by foreign powers, I will state that while in Europe during the last summer and autumn I had good opportunities of judging of the feelings of the English and French people toward our Confederacy, and came to the conclusion that our people should not look to any foreign power for relief from the evils of the blockade. Their hatred and prejudices against slavery hitherto have counterbalanced their interests, and unless the Trent affair had occurred we should not have ever been recognized until complete success crowned our efforts against the North. As the Yankees have backed down and will continue to give way to every demand of England, we must not expect any interference beyond recognition, perhaps; but that will not raise the blockade. We have the most ample means within ourselves, if properly used, of opening our ports, and should lose no time or exertion toward effecting that object. Any attempts at relief by the issue of Treasury notes or from banks must prove futile without opening a market for the sale of our products. Any proper measures for the

* Not found.

effectual breaking up of the blockade will receive my most hearty co-operation and support.

I am, sir, yours, most respectfully,

R. M. DAVIS,
Bank of Louisiana, New Orleans.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, January 29, 1862.

Hon. JAMES CHESNUT, Jr.,
Chief of Military Department, Columbia, S. C.:

SIR: In reply to your letter of the 25th instant, the Secretary of War directs me to say that the Confederate Government has passed no law authorizing payment of troops not mustered into Confederate service. This Department is therefore without authority to pay the troops to which you refer.

Very respectfully, your obedient servant,

A. T. BLEDSOE,
Chief Bureau of War.

ADJUTANT-GENERAL'S OFFICE,
January 29, 1862.

His Excellency JOHN LETCHER,
Governor of Virginia:

DEAR SIR: In my last annual report (sec. 5, p. 3) I stated the necessity for organizing a relief force for the troops in the field, and hoped that requisite measures would be promptly adopted. The Legislature met the first Monday in December. The last Monday in January has come and gone, but nothing is yet agreed upon. The experience of a lifetime, with no little active service in time past, may shield me from the charge of presumption in saying that all the legislation which is actually necessary now is perfectly simple and might be written on a single page; please refer to the report. I think the whole arm-bearing force not in the field should be immediately drafted for service, organized into companies of 100 men, rank and file, and either be allowed to elect their officers or assign company officers by grades now in commission. The first perhaps is preferable. From this force so adopted for service fill up the volunteer force now in the field by full companies, when needful, or by any less number which may be required to fill up the volunteer company by so much as it may have been reduced from any cause. As to any force which may remain after filling up the volunteer force, retain the organization by companies, even where a company has been reduced by drafts into the volunteer force. It will make the reserve more effective, and if a call upon it en masse should be made then fragments of companies may be consolidated. It is not possible to provide by legislation for every contingency that may arise. The commander-in-chief, if he has it not already, should be vested with authority to act in all such cases. I am not informed of the details of any of the several plans which it is said are before the Legislature. Senator Douglas showed me one prepared by himself, sensible and practicable, that is said to have undergone many changes, so that I do not know how it stands now.

But there is one feature which it is said has been ingrafted upon all of them which is fraught with the most fatal consequences. I am dismayed in the contemplation, for if carried out the State will lose

all her best officers, we shall be defeated and disgraced, and a system of electioneering and demagogism introduced into the army as fatal as a pestilence. The elective principle to any extent is out of place in our army, and when it includes the grade of field officers no man can estimate the mischief which must result. It would be far better for the Legislature to do nothing than either to do this or to adopt any diffuse and complex system, when the end may most effectively be reached by direct or simple means. Please refer to chapter 29, sections 2 to 6, inclusive, page 162 of Code of 1860. Might not the Governor meet the exigency under this, if there be no further legislation? I did not prepare a bill embodying my own views, lest it should be deemed officious—as probably I should—since but one scheme has been shown me by any member of the Legislature. It is plain to any mind of ordinary intelligence that gentlemen proposing to legislate upon this important subject should first inform themselves as to the working and efficiency of the existing law. Instead of that I have heard sweeping denunciations of it by gentlemen who have probably never read a page. Ever since I have been in the public service it has been the standing custom, particularly of those who know nothing about it, to denounce the militia law, and alter by way of amendment, making bad worse at every session. The State has now the best militia law it ever had, and the most striking and undeniable evidence of its efficiency is afforded by the gallant army now in the field. I cannot express my anxiety and alarm at the prospect before us. Is there no remedy, are there no means by which the legislation upon this important subject can be brought within the actual requirements of the case, without the influence of the various fancies and prejudices which seem to rule everything? If it can, the serious mischiefs which threaten the cause may yet be averted. I rely upon your indulgence to excuse this communication, which is prompted only by anxiety and serious alarm for the State.

Very respectfully, yours,

W. H. RICHARDSON.

[JANUARY 29, 1862.—For J. E. Johnston to S. B. French, in relation to arms, &c., see Series I, Vol. V, p. 1051.]

AN ACT to transfer funds from the Quartermaster's to the Ordnance Department.

The Congress of the Confederate States of America do enact, That $3,000,000 of the sum heretofore appropriated to the service of the Quartermaster's Department and yet unemployed be, and the same is hereby, transferred and appropriated to the service of the Ordnance Department.

Approved January 30, 1862.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 30, 1862.

Hon. S. F. HALE,
Chairman Military Committee:

SIR: In answer to your inquiry of the — instant I have the honor to report:

First. That the construction placed by this Department on the law is, that brigadier-generals are not officers, generally, independently of

any particular command; but on the contrary, under section 6 of the act of March 6, 1861, "hold their offices only while the brigades are in service."

Second. In practice, the assignment of brigadier-generals has been made by the President where the body of troops did not exceed the number sufficient for a single brigade; as, for instance, General Withers, at Mobile, or General Lawton, at Savannah. But where large bodies are gathered together the President, after ascertaining that the number of troops was sufficient to require the formation of an additional brigade, has not unfrequently permitted the commanding general of the Army to assign the brigadier to such brigade as he thought proper, and of this examples are found in the Army of the Potomac and of General A. S. Johnston, at Bowling Green. A brigadier is never appointed without ascertaining in advance that there are a sufficient number of regiments ready to form a brigade for the general so appointed.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

NASSAU, NEW PROVIDENCE, *January 30, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va.:

DEAR SIR: The steamer Kate arrived here on the 18th and brought me your letter of the 5th instant. I am gratified to perceive that my action is approved. According to your instructions I immediately arranged for the transshipment of the Gladiator's cargo, and, as before intimated, I had no difficulty in obtaining the requisite permission from the authorities. You may readily imagine how intensely disgusted the Yankees are at this partiality, as they style it. It is called another flagrant violation of neutral rights. Owing to the boisterous weather that prevailed for some days we were unable to commence until the day before yesterday. The Gladiator lies at the upper anchorage, some five miles from here, whither I had her moved a few weeks ago in consequence of the large amount of powder on board, it being contrary to the port regulations to allow vessels with powder to remain in the harbor. I accordingly steamed up early on the 28th and superintended the transshipment of the following portion of the Gladiator's cargo, now on board of the Kate, as per bill of lading inclosed:

Blankets and serge	bales	32
Rifles, Enfield (6,000)	cases	300
Surgical instruments	do	2
Mess tins, pouches, serge, &c	boxes	94
Medicines	do	15
Lint	do	2
Medicine	barrel	1
Gunpowder (all cannon with the exception of some 5 or 6)	barrels	500
Cartridges	boxes	514
Caps	do	90
Surgical instruments	cases	2

Having no invoice of the cargo I had to take the contents as marked on the packages. Total number of packages, 1,552. We completed loading this morning, and the Kate proceeds to sea this evening with fine weather and a good prospect of reaching her destination in forty hours. You will perceive that I have filled out the bill of lading for

Saint John, New Brunswick. This is to cover in case the Kate should be overhauled on the voyage. Since the Trent affair Federal cruisers will hesitate to interfere with British vessels, unless caught in the very act of violating the blockade. By the transshipment of this portion the Gladiator has been lightened one foot aft and eighteen inches forward. It may do perhaps to try and run her in after she has got rid of a further portion, as I have no doubt her speed will be increased in consequence of her lighter draft.

Previous to the receipt of your letter I sold the cotton at 22 cents per pound. It was the very best I could do, and there has been no period since when the offer would have been repeated. I shall have to make an allowance of ten pounds per bale for damage. My relations with the authorities here are of the most friendly character. I receive many marked attentions, which I value as going to show the increased cordiality of feeling toward the Confederate Government. In cultivating this disposition I feel that I am doing some service to my country. The British line-of-battle ship Conqueror (101 guns), which went ashore on Rum Cay a few weeks ago, has gone to pieces in the late gale. There are in port now the British gun-boat Steady (six guns) and sloop-of-war Greyhound (seventeen guns). No Yankee vessels here.

I am, very respectfully, your obedient servant,

L. HEYLIGER.

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, January 31, 1862.

The PRESIDENT:

SIR: I have the honor to acknowledge the receipt of a letter addressed to you by Mr. Goodman, which has been referred to me for consideration and remark. The several subjects to which it refers have already received that attention from this department which their importance demanded, and to some extent the suggestions presented by Mr. Goodman have been carried into effect. Contracts have been made with the railroad companies, generally, by which a preference has been secured to all Government freights, both as to time of transit and use of cars. Every possible arrangement has been adopted to secure prompt transportation of public stores, and to this end many of the railroads have been employed to their utmost capacity. Delays and difficulties have occurred in many instances, but no arrangements can be made so complete as to entirely prevent their recurrence. A uniform standard of charges for Government transportation, deemed to be both just and economical, has been agreed upon with many of the leading railroads, and the rates thus established will, it is supposed, meet the concurrence of all the companies. This is equivalent to the prescribed terms of a written contract, and by it hereafter uniformity in the charges for transportation will be secured. I doubt greatly the propriety of appointing Government freight agents and messengers, as proposed by Mr. Goodman. Competent persons to fill such positions cannot readily be procured, nor are they necessary. They would interfere seriously with the management of details, which should be left entirely to the control of trained and experienced railroad employés. They would, moreover, remove from the railroad companies and their agents that direct responsibility to the Govern-

ment which it is important to preserve. This consideration appears to be decisive, for the most serious evils would result if the obligations now imposed upon the railroad companies were lessened or removed. It is suggested by Mr. Goodman that these agents or messengers should give certificates of the quantity of freight transported, the number of miles traveled, and the amount earned by the road, which should be the only vouchers used in settlements with the companies. It would seem that this object could not be attained, as it would not be practicable for the messengers traveling in charge of the trains to superintend the weighing of freights at way stations unless the trains were delayed until they could inspect and note the shipments. Under the present system the railroad transportation accounts are adjusted upon vouchers signed by officers and agents of the Government, and only actual weights and distances are paid for. All orders for transportation specify the points from and to which freights are carried, and a freight list or bill of lading is sent by the consignor to the consignee. The policy of building cars has been adopted to some extent, but it is deemed more advisable to transfer them to the railroads, as thereby the necessary inspection and repairs are attended to, while if left in the possession of the Government and used upon the various roads no particular company could be made responsible for their being kept in good condition. The importance of encouraging the establishment of rolling-mills cannot be overestimated, and I fully concur in the suggestion that they should receive the fostering protection of the Government whenever the private enterprise of the country seeks to construct them. In what mode or to what extent this protection should be afforded I am not prepared to suggest.

The mill of Mr. M. A. Cooper, in Western Georgia, has not escaped my attention. Some time since application was made to Mr. Cooper to supply sheet-iron to meet requisitions made on this department for various articles, but he declined because his operations in the manufacture of bar iron and rails were too profitable to justify a change in his present machinery. Nor, judging from his estimate of the profits to be derived from their manufacture, do I think his property could be purchased upon favorable terms. Mr. Goodman conjectures that the cost of erecting an effective rolling-mill would be from $100,000 to $150,000. Mr. Cooper's calculation is that the net profit upon his manufacture of bar iron and rails will be $150,000 during the current year. If therefore the policy of establishing such mills be adopted, other localities should be examined.

In conclusion, while this department will receive with much satisfaction any suggestions or propositions looking to the adoption of a system which will secure more complete, prompt, and economical transportation of public supplies than is afforded by that now in use, I must be permitted to express the doubt whether any substantial improvement can at present be effected. Mr. Goodman's letter is herewith returned.*

I have the honor to be, very respectfully, your obedient servant,

A. C. MYERS,
Acting Quartermaster-General.

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*See January 25, p. 880.

NEW ORLEANS, LA., *January 31, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va.:

SIR: I have in Havana some eighteen hundred and odd Enfield and Brunswick rifles; on board the Gladiator at Nassau about 500, and about 800 at Cardenas, if the Stephen Hart, that left Liverpool early in November for that port, has arrived. You have a valuable cargo of arms, &c., on the Gladiator at Nassau and arms at Cardenas, for which Mr. Heyliger was sent. The difficulty thus far in getting these arms to the Confederate States has proven insuperable. In order to obtain them, as they are so greatly needed, I am willing to incur a heavy risk to get those belonging to this State if you will join in the adventure and the risk in proportion to the amount of arms, &c., which you have at the places referred to. I propose to take up a fast steamer (we have many here), send her out with or without cotton, as you prefer, and bring home the arms. I will take care that she is properly officered, with competent river and coast pilots on board. There are a number of steamers here that can outrun anything in the Navy of the United States, and I feel great confidence in the success of the enterprise. If you will share in the risk on the terms proposed, telegraph immediately.

Very respectfully, your obedient servant,

THO. O. MOORE,
Governor.

EXECUTIVE DEPARTMENT,
February 1, 1862.

To the CONFEDERATE CONGRESS:

I return with my objections the bill passed by you entitled "An act to provide for granting furloughs in certain cases."

Before proceeding to lay before you the special objections entertained to the provisions of this bill it is proper that I should express the firm conviction that it is, from the nature of things, impracticable to administer an army in the field by statute. The Constitution vests in the Congress the power "to make rules for the government and regulation of the land and naval forces." None can deny the wisdom of this provision, nor the propriety of the exercise of this power by the Congress in its full extent; but there is an obvious distinction between making rules for the government of the Army and undertaking to administer the Army by statute. When rules are established for the regulation of such matters as are in their nature susceptible of fixed and unvarying application, there can be no impolicy in providing them by statute. Thus we have by law fixed guides for organization, for the composition of the different corps, for the number of officers and their grades, for the respective duties assigned to the staff in its several branches, and numerous like provisions that remain in force in all localities, in the presence as well as the absence of the enemy, and uninfluenced by the exigencies of any particular occasion. But there are other matters which are essentially administrative in their character, and are not susceptible of being determined by the rigid prescriptions of statutes which executive officers are bound to obey under all circumstances and without the exercise of any discretion. Suppose Congress should attempt to fix by law of what camp

equipage should always consist, or the precise kind and quality of clothing to be furnished, or the exact amount and kind of transportation to be allowed for each regiment, is it not obvious that these details depend so entirely on time, place, and circumstance, and are so essentially variable in their character, that the uniform compliance with such laws would be practically impossible? Suppose Congress should establish by law the precise proportion of infantry, cavalry, and artillery to be attached to each body of troops in service. This would not be a rule for the government of the Army, but an attempt at a statutory administration of it which could not but be found impolitic, even if it were practicable.

Now, the act in question presents precisely the same objectionable features. It establishes a rule over which there is no discretionary power under any circumstances whatsoever by which a commanding general, in the face of superior numbers and with his capacity for defense taxed to the utmost, may find his forces still further reduced by the action of his subordinates, not only against his consent, but without his knowledge, and in ignorance of his necessities and the purposes of their Government. No more striking example could be afforded of the impolicy of such a law than is presented by our condition at this time. Our armies are in force inferior to the enemy at the two points most vital to the defense of the country. The enlistment of the twelve-months' men is soon to expire, and in order to secure their entry for a further term into the service you have directed that furloughs be granted to them as far as compatible with the safety of the respective commands. If the bill in question becomes a law it will at once be necessary to diminish the number of furloughs, which might otherwise be granted as inducement to re-enlistments, and to that extent the attainment of this most desirable object must be obstructed. From the west and from the south, from many and important points urgent calls for re-enforcement are received by the Department of War which it is not possible to satisfy. At this crisis, without any check or control by commanding generals, 5 per cent. of their effective forces would be withdrawn under the provisions of this bill. With conflicts impending against an enemy greatly our superior in numbers our safety is dependent on keeping in the field every effective man that can be furnished with a weapon; this bill, therefore, it seems to me, is most inopportunely presented.

If from these general objections we turn to the details of the bill, other considerations are presented which would alone prevent my giving it approval. This may be stated briefly as follows, viz:

First. The furlough for disability is to be granted upon the surgeon's certificate, not of the vital necessity for leave of absence, but of the surgeon's opinion that the patient's "health would be improved by a temporary sojourn at home." It is plain that every man in the Army, to whose health camp life was thus believed to be detrimental, could at once demand a furlough under this provision.

Second. The colonel's power to grant a furlough on such a certificate as is above mentioned is without the check or control of higher authority, and is unlimited as to time and to number of cases.

Third. Any soldier that can get the certificate of any hospital surgeon can be sent home on furlough or discharged without the knowledge or consent of any of his officers, either company or regimental. The surgeon has only to certify that the soldier "is too remote from

his commanding officer to procure his certificate for a furlough or discharge without inconvenience and delay." When troops are in the field it is always true of a soldier in hospital that the commanding officer's certificate cannot be obtained "without inconvenience and delay," so that the soldier absent from camp can always get a furlough or discharge without the knowledge of his commander.

Fourth. The large number of soldiers that will be constantly traveling on the railroad on the proposed system of a ten-days' furlough for 5 per cent. of all the effective men, together with the sick leaves provided for, will form an average of probably not less than 15,000 or 20,000 men in constant movement. This would occupy the transportation facilities, already much too limited, to such an extent as seriously to impair the movement of troops and supplies.

In whatever aspect the proposed legislation is contemplated, I cannot view it otherwise than as dangerous to the public safety, and I most earnestly recommend that in taking it again into consideration Congress will weigh any possible advantage that can result from this measure against the disasters that are not only the possible, but, as it appears to me, the probable, results of its adoption.

JEFFERSON DAVIS.

[Inclosure.]

A BILL to be entitled "An act to provide for granting furloughs in certain cases."

SECTION 1. *The Congress of the Confederate States of America do enact*, That whenever the surgeon attached to any regiment, battalion, or separate post shall certify that any private or non-commissioned officer of such regiment, battalion, or separate post is incapable of performing military duty by reason of sickness, and that the health of said private or non-commissioned officer will, in his opinion, be improved by a temporary sojourn at home, the colonel or other officer commanding such regiment, battalion, or separate post may grant a furlough to said private or non-commissioned officer for such time as may be thought proper by said colonel or other commanding officer: *Provided*, That upon the certificate of the principal surgeon of any Government hospital that any sick or disabled soldier is too remote from his commanding officer to procure his certificate for a furlough or discharge without inconvenience and delay, such soldier may be furloughed or discharged upon the recommendation of such surgeon by the commandant of the nearest post.

SEC. 2. Whenever it shall appear from the written statement of any private or non-commissioned officer of any regiment, battalion, or separate post, approved by the captain or other officer commanding the company to which said private or non-commissioned officer is attached, that it is indispensable to the pecuniary or family interest of said private or non-commissioned officer that he should visit home, the colonel or other officer commanding such regiment, battalion, or separate post may, in his discretion, grant a furlough to said private or non-commissioned officer for a period not exceeding ten days, with an allowance of such additional time as may be required for him to reach home and return to his post: *Provided, however*, That said colonel or other commanding officer shall not grant furloughs for the cause and in the manner stated in this section to such number as to exceed at any time 5 per cent. of the force actually under his command.

SEC. 3. In all cases where furloughs shall be granted under this act the notice of such furlough, required by existing regulations, shall be given.

CONGRESS, *January 16, 1862.*

Read first and second times.

JANUARY 22, 1862.

Read third time and passed.

J. J. HOOPER,
Secretary.

EXECUTIVE DEPARTMENT,
Nashville, Tenn., February 1, 1862.

Hon. WILLIAM M. BROWNE,
Assistant Secretary of State, Richmond, Va.:

SIR: In compliance with your letter of the 16th ultimo, by direction of His Excellency Governor Harris I have forwarded to you the published records of the State, messages of His Excellency, &c., in regard to the separation of Tennessee from the United States, &c., and herewith forward certified aggregate vote touching the several elections before the people.

Very respectfully,

NASH H. BURT,
Private Secretary.

[Inclosure.]

I, J. E. R. Ray, secretary of state, hereby certify that the following is the aggregate vote of the State of Tennessee, cast at an election held in said State on the 9th day of February, 1861, and in pursuance of an act of the General Assembly of said State passed the 19th day of January, 1861, to wit:

For convention	59,449
Against convention	68,282

I further certify that at an election held on the 8th day of June, 1861, in pursuance of an act of the General Assembly of said State passed on the 6th day of May, 1861, the following vote was cast, to wit:

For separation	108,399
For no separation	47,233
For representation	107,712
For no representation	47,359

I further certify that at an election held on the 1st day of August, 1861, in pursuance of an act of the General Assembly of said State passed on the 28th day of June, 1861, the following vote was cast, to wit:

For the permanent constitution	89,449
Against the permanent constitution	28,417

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at office on this the 31st day of January, A. D. 1862.

J. E. R. RAY,
Secretary of State.

[FEBRUARY 1, 1862.—For J. E. Johnston to Benjamin, in relation to furloughs for re-enlistment, &c., see Series I, Vol. V, p. 1057.]

RICHMOND, *February 1, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: The President having been kind enough to allow me to reorganize my legion on a larger footing and on a somewhat different plan, I beg to lay before you the scheme of my proposed organization, that it may receive, as I trust it will, your sanction. I desire to bring in for the war a brigade, to consist of from two to four regiments of infantry, each regiment to have a company of artillery and one or two of cavalry. This would give force enough to constitute a very strong brigade, and yet the formation of it would not preclude its being thrown with other troops. The legion will furnish, I think, the basis for one regiment and will give an artillery battalion. I propose to call for volunteers for the war at once, and the President says that I may receive any unattached companies that may offer. Of course I should notify you of all that offer, and I beg to be allowed to receive any suitable regiment which may be now ready for service and unattached.

The term of service of the legion expires on June 12, and I am anxious to proceed to its reorganization at once.

Hoping that the plan submitted to you may receive your approval, I am, very respectfully, your obedient servant,

WADE HAMPTON,
Colonel of Legion.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 2, 1862.

JOHN GILL SHORTER,
Governor of Alabama, Montgomery, Ala.:

SIR: In compliance with the recent act of Congress, entitled "An act to authorize the President to call upon the several States for troops to serve for three years or during the war," I am instructed by the President to call upon the Governors of the several States to fill up the quota of troops enlisted for the war to an amount equal to 6 per cent. of the total white population. According to this basis the number of troops still required from the State of Alabama would be 15,351; but the State has furnished, in addition to the troops for the war, 9,970 men for twelve months, and it is deemed safe to rely upon the re-enlistment of half that number under the act of Congress providing bounty and furlough for re-enlisted men. I have, therefore, the honor to request Your Excellency to furnish from the State of Alabama twelve regiments of troops for the war, being the number that will be required, as nearly as can now be estimated, to supply the quota of your State. These troops will be mustered into service at convenient camps of instruction, which you are respectfully requested to select, and will there be clothed, supplied, and armed at the expense of the Confederate States. Each soldier will receive a bounty of $50 when the regiment or company is mustered into service, and will be allowed transportation from his home to the place of rendezvous. It is earnestly desired that the troops now called for be

ready to take the field by March 15 at furthest. If subsequent experience shall show that the number of twelve-months' volunteers who re-enlist varies materially from the estimate above made, this requisition will be modified accordingly.*

I am, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

AN ACT supplemental to an act entitled "An act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army."

The Congress of the Confederate States of America do enact, That the provisions of the above-entitled act, so far as the same are applicable to re-enlistment of twelve-months' volunteers, be, and the same are hereby, extended to troops now in the service of any State for a term not less than three months who may re-enlist in the service of the Confederate States, according to provisions of said act, for a term which, added to their present term of service, may amount to three years.

Approved February 3, 1862.

AN ACT to authorize certain financial arrangements at the Treasury.

Whereas, by the act entitled "An act supplementary to an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption," approved December twenty-fourth, eighteen hundred and sixty-one, Treasury notes to an amount not exceeding $30,000,000 were authorized to be converted into bonds bearing interest at the rate of 6 per cent. per annum, which bonds should, at the option of the holders, be reconvertible into Treasury notes; but no appropriation of Treasury notes to be exchanged for said bonds was made: Now,

The Congress of the Confederate States of America do enact, That any Treasury notes in the Treasury not otherwise appropriated are

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*The same, *mutatis mutandis*, to Governors Rector, of Arkansas; Milton, of Florida; Brown, of Georgia; Moore, of Louisiana; Pettus, of Mississippi; Clark, of North Carolina; Pickens, of South Carolina; Harris, of Tennessee; the Governor of Texas, and Letcher, of Virginia; the call upon the several States being as follows:

	Troops required.	Twelve-months' men furnished in addition to those for the war.	Regiments called for.
Arkansas	17,382	17,565	11
Florida	4,614	4,950	2½
Georgia	15,715	10,610	12
Louisiana	9,734	10,630	5½
Mississippi	16,343	20,625	7
North Carolina	32,548	22,900	26
South Carolina	12,590	17,410	5
Tennessee	50,021	48,050	32
Texas	15,975	6,635	15
Virginia	64,342	54,950	47

hereby appropriated and may be applied by the Secretary of the Treasury to the redemption of the said bonds.

SEC. 2. *And be it further enacted*, That for the purpose of providing such coin as may be required for the use of the Government, the sum of $2,000,000 is hereby appropriated, to be drawn and applied by the Secretary of the Treasury from time to time as the public exigencies may require.

Approved February 3, 1862.

AN ACT supplementary to an act entitled "An act to amend an act entitled 'An act to raise an additional force to serve during the war, and for other purposes,'" approved May eighth, eighteen hundred and sixty-one.*a*

The Congress of the Confederate States of America do enact, That the second section of the above-recited act, requiring the election of field and company officers by regiments and companies, shall not apply to companies, battalions, and regiments raised under the fourth section of said act; but the officers appointed by the President to raise such companies, battalions, and regiments shall be the officers of the same; and the commissions of such officers granted by the President shall, when their respective commands are fully organized, be absolute.

Approved February 3, 1862.

A RESOLUTION supplemental to the resolution entitled "A resolution appointing John D. Morris, of Kentucky, a receiver under the act of sequestration, approved August thirtieth, eighteen hundred and sixty-one," and which was approved by the President on the sixteenth of December, eighteen hundred and sixty-one.

The Congress of the Confederate States of America do resolve, That in all cases in any court of the Confederate States instituted by authority of the above-mentioned resolution, whenever it shall appear to the court that the documentary evidence of witnesses necessary to establish the facts alleged in the petition, and authorize the judgment of the court, are situated within the territorial limits occupied by the public enemy, the court may, in its discretion, admit on the hearing the following articles of documentary and testimonial proof: First. A copy of any report or enunciation of the bank that it had loaned or extended pecuniary aid to the United States or the government of Kentucky waging war against the Confederate States; and such report or enunciation may be read from what shall appear to be a copy or statement of its substance in the journals or session acts of the Legislature of Kentucky, or from any periodical journal of the State published within the dominions of the enemy, or testimonial proof of the substance of the contents of such documents. Second. Testimonial proof in parol, in letters or any other form of paper writing, of the admission of the president or cashiers of the bank that such loan or pecuniary aid had been made or afforded to the enemy. Third. Circumstantial evidence of facts from which the facts necessary to make out the case are fairly inferable. But in

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a The title of the act referred to in the title to the above act is not correctly set forth. The act referred to was approved January 22, 1862.

every case the offer of such proof shall be accompanied with the affidavit of the receiver that he believes the facts which such evidence tends to prove are true.

Approved February 3, 1862.

MOBILE, *February 3, 1862.*

His Excellency JEFFERSON DAVIS,
President of Confederate States of America:

SIR: The subject of permitting cotton to leave our Southern ports clandestinely has had some attention from me, and I have come to the conclusion that it is a Yankee trick that should have immediate attention from the governmental authorities of this country. The pretense is that we must let it go forward to buy arms and other munitions of war, and I fear the fate of the steamer Calhoun illustrates the destination of these arms and munitions of war after they are bought with our cotton. Her commander set her on fire and the Yankees put her out just in time to secure the prize. This cotton power is a momentous question and one that claims consideration from the greatest philosophers of the age in political as well as financial matters, and I would ask that the attention of the Congress of the Confederate States be called to the interdiction of the export of cotton from all the Confederate ports until the close of the war or the negotiations of treaties of amity and commerce with the nations of Europe that may want cotton from us for their consumption. This leaky blockade system should be deprecated as one that the parties to it are either dupes or knaves, and not in the least calculated to demonstrate the fact that our cotton crops are a necessity to the commerce of the world. If it is not, the sooner we know it the better, that we may engage in other profitable pursuits; and if it is, European nations should know it, and should also know that our consent to their obtaining it is an essential part of the transaction, and without which I fear we will lose the power that cotton ought to give to our country.

I have the honor to be, with great respect, your obedient servant,

A. B. MOORE.

[FEBRUARY 3, 1862.—For R. W. Johnson to Benjamin, in relation to the re-enlistment of Arkansas troops, &c., see Series I, Vol. LIII, p. 781.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 3, 1862.

G. W. JOHNSON,
Governor of Kentucky, Bowling Green, Ky.:

SIR: Congress has recently passed a law entitled "An act to authorize the President to call upon the several States for troops to serve for three years or during the war." In accordance with its provisions I have been instructed by the President to make a call on the several States for a number of men, to be enlisted for the war, sufficient to fill up a quota equal to 6 per cent. of the entire white population. Under these instructions the number of troops required from your State would be about 46,000 men, or about fifty-eight regiments, averaging 800 men each. Under the peculiar circumstances in which Kentucky is placed and the difficulties which embarrass her authorities I cannot

hope that you will be able at present to meet this call, which it is, however, my duty to make.

I therefore respectfully call upon Your Excellency to have raised and mustered into the Confederate service the above-named number of regiments, or as many thereof as it may be possible for you to obtain. These regiments, as formed, will be mustered into the Confederate service, and will report, as fast as mustered, to General A. S. Johnston, at his headquarters. They will be clothed, subsisted, and armed at the expense of the Confederate States, and each man will be entitled, when his company is mustered into service, to receive a bounty of $50 and transportation from his home to the place of rendezvous.

It is earnestly hoped that Your Excellency will spare no pains to have your troops ready for the field as promptly as possible. They will be joined by large re-enforcements from your sister States, and it is confidently believed that but a short period will elapse ere the soil of Kentucky will be freed from the oppression of the invader, and your whole people will be enabled to unite in a common effort for securing the blessings of peace and independence.

I am, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 3, 1862.

C. F. JACKSON,
Governor of Missouri:

SIR: Congress has recently passed a law entitled "An act to authorize the President to call upon the several States for troops to serve for three years or during the war," and in accordance with its provisions I have been instructed by the President to make a call on the several States for a number of men, to be enlisted for the war, sufficient to fill up a quota equal to 6 per cent. on the entire white population. Under these instructions the number of troops required from your State would be about 71,000 men, or eighty-nine regiments, of 800 men on an average. Under the peculiar circumstances in which Missouri is placed and the difficulties which embarrass her authorities I cannot hope that you will be able at present to meet the requisition, which it is, however, my duty to make.

I therefore respectfully call on Your Excellency to raise and have mustered into the Confederate service the above-named number of regiments, or so many thereof as it may be possible for you to obtain. These regiments will be called into camps of instruction, which you are invited to select. They will there be clothed, subsisted, and armed at the expense of the Confederate States. Each man will receive a bounty of $50 when mustered into service, as well as transportation from his home to the place of rendezvous.

It is earnestly hoped that Your Excellency will spare no effort to have your troops ready for the field by March 15, at which date it is confidently believed you will be joined by the forces of your sister States in such numbers as will enable us, by conjoint effort, to drive the invader from the soil of Missouri.

I am, respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

RICHMOND, *February 3, 1862.*

Lieutenant-Colonel ROBERTS,
Asst. Adjt. Gen., Army of the Potomac, Richmond, Va.:

SIR: I am instructed by the Secretary of War to direct that you proceed to the district of country between the left bank of the Trinity River and the northern and eastern boundary of Texas, therein to organize and to muster into service for the war five infantry regiments. Establish your depot or principal rendezvous at some point within that district eligible for its accessibility and abundance of the supplies which may be necessary for the support and comfortable maintenance of the troops to be organized. These regiments you will organize and muster into service yourself, by companies, as soon as the latter reach their full complement of men and officers. The men of these regiments will be authorized to mount themselves on horses or mules for transportation to their field of action, receiving 10 cents per mile as commutation of transportation and to cover risks of loss by the way. Upon reaching their destination these animals will be appraised, purchased, and paid for by the Government in currency, and in all cases must have been approved by a Government officer to be designated for that purpose before leaving Texas, which fact should be indicated upon the muster-roll opposite each man's name in the column of remarks. These regiments will be armed by the Government. A quartermaster and a commissary will be sent out, provided with the necessary funds to meet the current expenses of the troops as they are organized. In mustering and swearing in the troops have special regard to their physical capabilities, receiving no man likely to entail expense upon the Government by feeble health and probable incapacity to perform a soldier's duty. Your reports will be made directly to this office, and the troops organized under these instructions will be subject only to orders given by the War Department while remaining in Texas, of which fact General Hébert will be advised. After deciding, report promptly the point of rendezvous decided upon, giving the nearest post town and its county.

I am, sir, respectfully, &c.,

R. H. CHILTON,
Assistant Adjutant-General.

[FEBRUARY 3, 1862.—For Pickens to Davis, in relation to claim for arms belonging to the State of South Carolina, see Series I, Vol. VI, p. 372.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, February 3, 1862.

Col. WADE HAMPTON,
Richmond, Va.:

SIR: Your letter of the 1st instant, explaining your plan for the reorganization of the Hampton Legion, which you had already submitted to the President, has been received. In reply, I approve the proposed plan, with the remark, however, that we have no "unattached regiments" which could be made available for this object.

Respectfully,

J. P. BENJAMIN,
Secretary of War.

EXECUTIVE DEPARTMENT,
February 4, 1862.

To the CONGRESS OF THE CONFEDERATE STATES:

GENTLEMEN: I return, with my objections, the bill entitled "An act to repeal so much of the laws of the United States adopted by the Congress of the Confederate States as authorizes the naturalization of aliens." My objections are the following, viz:

First. The bill does not save the rights of aliens who were domiciled in the Confederate States at the beginning of this revolution and had already commenced the proceedings necessary to their naturalization. It would be manifest injustice to such aliens as have remained among us and have sympathized with and aided us in our struggle to cut them off from these rights, at least inchoate, and deprive them of the boon held out to them by laws to which we were assenting parties at the time they emigrated to the Confederacy.

Second. While there is perhaps no direct prescription of the Constitution making it the duty of Congress to establish a rule of naturalization, I submit that in addition to the grant of that power made to Congress the States in the permanent Constitution have surrendered the power formerly exercised by some of them of permitting aliens to vote even in State elections until naturalized as citizens of the Confederate States—Article I, section 2. A comparison of these provisions leads to the conclusion that it was in contemplation of the States that Congress should exercise the power vested in it, and it does not appear to me to be a fair compliance with the just expectations of the States to repeal in mass all laws providing for the naturalization of aliens without substituting some other system that may commend itself to the wisdom of Congress.

These are my special objections to the act as passed, but I beg permission to say that the general policy indicated by its provisions appears to be at least questionable. That there is no present necessity for such legislation is obvious, for there has not been, and we cannot expect there will be, immigration, except on the part of such as are disposed to aid us in our struggle. To the future, which may well be left to take care of itself on this subject, it is submitted whether legislation intended to effect entire exclusion from citizenship of all who are not born on the soil will be deemed in accordance with the civilization of the age.

In conclusion, it can scarcely be necessary to point out the evil effects that may be produced on aliens now serving in our Army and on those of our fellow-citizens who are of foreign birth, by what will be considered as a legislative stigma cast on them as a class.

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 4, 1862.

The PRESIDENT:

SIR: The crops of sugar and molasses in Louisiana are very large and the prices unusually low. The rations, as now distributed to the troops, are deficient in many articles which cannot be procured, especially as regards coffee, candles, and soap. It has occurred to me that no article will be more acceptable to our troops than molasses as an addition to their diet and as a substitute for the deficiency in coffee. I am informed that the men buy it eagerly at exorbitant prices from

the sutlers. A gallon of molasses will form a ration for thirty-two men, at one gill per man, and the cost of the ration will be less than one cent at present prices. Molasses and sugar for a year's supply can now be purchased for Confederate bonds, and I respectfully recommend that this be done at the present low rates. I inclose an estimate of the amount required and respectfully request that you will submit this recommendation and estimate to Congress.*

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., February 4, 1862.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va.:

DEAR SIR: By reference to the fourth section of an act of Congress entitled "An act providing for granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army," which I see published in the newspapers, I find that provision is made for reorganizing troops now in service who revolunteer or re-enlist into companies, battalions, and regiments, by election of their officers, and after first election vacancies to be filled by promotion, &c. As some company elections of this character have been held by men in companies belonging to Georgia regiments now in the service of the Confederacy, but whose term of service has not yet expired, and the election returns have been forwarded to this office requesting commissions, I venture to trouble you with this note of inquiry, hoping that I may learn what is your construction of the section above referred to.

First. Is it your construction that the company and field officers elected under the provisions of this act are to be commissioned by you or by the Governors of the respective States to which the troops belong?

Second. Do you or not draw any distinction in reference to the authority to commission between those troops who entered the Confederate service through State authority, bearing commissions from the Executives of their respective States, and those who entered independent of State authority and were commissioned by the President, or must all when they re-enter the service under the late act be commissioned by the same authority which commissioned them at first?

Third. Upon what terms, if any, will State troops now in State service for a term of six months be permitted to re-enlist for Confederate service, and from whom will their officers, when the companies, battalions, or regiments are organized, receive commissions under the act above referred to?

Fourth. What construction do you place upon the words "reserving to the States respectively the appointment of the officers" in the sixteenth item of the eighth section of the first article of the Constitution of the Confederate States? I beg leave to assure you that it is my sincere desire in this eventful period of our history to avoid all conflict between the State and Confederate Governments, as I have no hope of the future permanence of our institutions unless each confines itself within the sphere assigned to it by the Constitution and carefully avoids the assumption of powers which properly belong to the

* Estimate not found as an inclosure.

other. As the questions to which the above inquiries relate are soon to be of practical importance, and as your decision may to some extent affect the action of the troops, I beg your forgiveness for this encroachment upon your valuable time and respectfully solicit an early reply.

With an ardent desire for the early triumph of our arms and the establishment of our Government upon an equitable and permanent basis,

I have the honor to be, your obedient servant,

JOSEPH E. BROWN.

[FEBRUARY 4, 1862.—For General Orders, No. 21, Department of Northern Virginia, appealing to the twelve-months' troops to re-enlist, &c., see Series I, Vol. V, p. 1060.]

[FEBRUARY 5, 1862.—For Benjamin to Price, in relation to organization of troops in Missouri, &c., see Series I, Vol. VIII, p. 747.]

EXECUTIVE DEPARTMENT,
Richmond, Va., February 5, 1862.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: I have had the honor to receive this day your letter of the 2d instant calling upon me, under a recent act of Congress, to furnish "troops to serve for three years or during the war."

I have communicated your letter to the General Assembly, in secret session, and have urged upon the two houses the necessity of immediate action to enable me to comply with the requisition by the day indicated in your letter.

Respectfully,

JOHN LETCHER.

A RESOLUTION in regard to the transfer of certain Indian trust funds to the Confederate States.

Resolved by the Congress of the Confederate States of America, That the Government of the Confederate States hereby agrees to indemnify the several States of this Confederacy against any loss or liability incurred by them because of the payment or transfer, on the part of the said several States to the Government of the Confederate States, of any stocks, bonds, or funds belonging to certain Indian tribes or members thereof, in pursuance of the acts of the Congress of May twenty-first, eighteen hundred and sixty-one, and January tenth, eighteen hundred and sixty-two.

Approved February 6, 1862.

[FEBRUARY 6, 1862.—For Rector to Benjamin, in relation to Van Dorn's call on Arkansas for 8,500 men, see Series I, Vol. VIII, p. 748.]

RICHMOND, *February 7, 1862.*

General R. E. LEE,
Coosawhatchie, S. C.:

SIR: Ship carpenters, engine builders, boiler makers, and other artisans usually employed in the construction of steamers are required for the public service in Virginia. The Secretary of War desires that you will allow S. W. Corbin, master carpenter, Navy, to post notices and advertisements for such, inviting all who are willing to be detailed for such service to hand in their names. These, or as many as can be spared without weakening your forces overmuch, you will immediately detail and send with dispatch to this city, directing the officer in charge of them to report to the Secretary of the Navy. Inclosed is a copy of the advertisement which Mr. Corbin is authorized to put up and which you will cause to be read to the troops under your command.

By direction of the Secretary of War:
Very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

[Inclosure.]

MECHANICS WANTED IN VIRGINIA.

Ship carpenters, engine builders, boiler makers, and other artisans usually employed in the building and fitting out of steamers, who are willing to be detailed for the purpose of working for the Government at their trade in Virginia, are requested to hand in their names to the undersigned. Those whose services may be accepted will be furnished with transportation to Richmond, and will receive the wages allowed to the corresponding classes of workmen at the Norfolk Navy-Yard, which vary from — to — a day, according to qualification. The pay will commence from the day on which the detail is ordered, and when their times are out the men will be furnished with free tickets over the railroads leading to their domiciles.

S. W. CORBIN,
Acting Master, Confederate Navy.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, February 7, 1862.

Maj. N. R. CARY,
Late Thirty-ninth Regiment Virginia Vols., Smithfield, Va.:

SIR: You are authorized to accept the enlistment of volunteers, and to muster into service companies for three years or the war, to be organized into a battalion, electing its own field officer as soon as a sufficient number of companies are mustered. These enlistments will be binding from the date of enrollment, and you are authorized to establish a convenient rendezvous, and to make requisition for their transportation and subsistence to the place of rendezvous, and for their subsistence there until regularly organized. Should you at the end of two months from this date have failed to organize a full battalion you will report the number of companies mustered and the number of men enlisted, stating what proportion thereof are members of the late Thirty-ninth Virginia Regiment, when such orders will be

issued for their further organization as may be deemed expedient, regarding, so far as may be consistent with the interests of the service, the wishes and the composition of the companies.

Respectfully,

J. P. BENJAMIN,
Secretary of War.

RICHMOND, *February 9, 1862.*

Governor H. M. RECTOR,
Little Rock:

The funds will be placed at once in the hands of the quartermaster to pay bounty for men who enlist for the war.

They will be subsisted as fast as raised and transportation paid to place of rendezvous. Establish camps at convenient points and I will order subsistence supplied at the camps and money to pay bounty. Let me know where you fix your camps.*

J. P. BENJAMIN,
Secretary of War.

AN ACT to provide for connecting the Richmond and Danville and the North Carolina Railroads for military purposes.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized and empowered to contract, upon such terms and conditions as he may think proper, with any company or companies which have been, or may be, incorporated and organized for the purpose of building and working a railroad or railroads, so as to connect the Richmond and Danville Railroad with the North Carolina Railroad, at such points as he may deem most advantageous to the Government, or to adopt such other course for building or working, or having the said railroad built and worked, so as to effect the said connection in the manner he may think will best promote the public interest.

SEC. 2. *Be it further enacted*, That, to enable the President to accomplish the object contemplated by this act, the sum of $1,000,000 in bonds of the Confederate States is hereby appropriated, to be issued and applied, by order of the President, at such times and in such sums as he may deem proper.

Approved February 10, 1862.

MILLEDGEVILLE, *February 10, 1862.*

Hon. J. P. BENJAMIN:

Will you receive cavalry, or is the call intended to do for twelve regiments of infantry? The term used in your requisition is troops. I shall establish three camps of instruction. Please designate one or more agents who have funds to supply tents and provisions as fast as companies arrive, and designate quartermasters, commissaries, and surgeons. Please answer immediately.

JOS. E. BROWN.

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* This in reply to Rector of February 6, Series I, Vol. VIII, p. 748.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., February 10, 1862.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va.:

SIR: Your requisition for twelve additional regiments of troops from Georgia to serve during the war is this day received, in which you request me to select camps of instruction where the men are to rendezvous, and if possible that I have them ready for service by the 15th day of March. You also say that the troops when mustered into the service will be clothed, equipped, and armed at the expense of the Confederate States. I will do all in my power to fill the requisition, but I greatly fear it will be impossible to do so within the time mentioned by you. It is now a very difficult matter to get a company of volunteers for the war. If I should be under the necessity of resorting to a draft, I cannot possibly get the orders to every part of the State, have the drafts made, and get the troops in camp by the 15th of March. No effort shall be wanting, however, on my part. I will establish three camps of instruction—one at Camp McDonald, seven miles above Marietta, on the Western and Atlantic Railroad; one at Camp Stephens, at Griffin, and one at Station No. 3, on the Central Railroad, twenty miles from Savannah. As the troops will need tents and provisions as soon as the first companies arrive, I must request that you send supplies to each of these three points immediately, and that you order to these places quartermasters, commissaries, and surgeons, who will take charge of the troops as they arrive. Will you please inform me by telegraph who is your agent or officer at each point with whom I can advise, and who will superintend the purchasing of the necessary supplies, &c.? As the time within which the troops are required is very short, I must beg you to act promptly and provide for the supplies at once. May I beg a reply to my letter of the 4th instant?

Very respectfully,

JOSEPH E. BROWN.

DEPARTMENT OF THE MILITARY, SOUTH CAROLINA,
Columbia, S. C., February 10, 1862.

The GOVERNOR AND EXECUTIVE COUNCIL:

On the 31st day of December, 1860, the people of South Carolina in convention assembled passed the following resolutions:

Resolved, That the Governor be authorized and requested forthwith to be caused to be enlisted into the service of the State for the term of twelve months, at such rates of compensation and emolument as are now allowed by the Federal Government, one regiment of 640 privates, to be divided into eight companies, and that he appoint suitable persons to command the said regiment and companies, and from time to time to supply vacancies, subject to the approval of the Senate; the said officers to be entitled to the same pay and emoluments as is allowed by the Federal Government to officers of similar grade in that service. And that the Governor be also authorized, whenever the public interest may in his opinion require it, to enlist for a period not exceeding twelve months another regiment with a like number of officers and privates, and like pay and emoluments, the officers to be appointed in the same manner as the former.

Resolved, That the Governor be also authorized to appoint three or more engineers, and to organize a corps as soon as the same can be done; the rank of the chief to be that of a captain of engineers, and the pay and emoluments to be the same as are allowed by the Federal Government to officers of the like employment and rank.

Resolved further, That as soon as a sufficient number of companies shall be enlisted, officered, and properly drilled, they be employed to relieve the volunteers now in possession of the forts of this State.

On the 28th day of January, 1861, the Legislature took up the subject, developed the idea, and passed an act entitled "An act for creating a military establishment for the State of South Carolina, and for other purposes." This act provides in detail for a regular military force, for the appointment of a brigadier, for colonels and other officers, for a battalion of artillery, a regiment of infantry, and a squadron of cavalry, &c., and by the ninth section provides "that all officers created by the provisions of this act shall be appointed by the Governor, by and with the advice and consent of the Senate, but should vacancies occur or remain unfilled during the recess of the Legislature the Governor shall have power to fill the vacancy by commission to extend until the close of the next session of the Legislature." In the thirteenth section it is enacted "that the officers and soldiers which have been appointed and enlisted under the provisions of resolutions and acts already in force shall be considered as a part of the force authorized and organized by this act," &c.

The foregoing resolutions of convention and act of the Legislature were passed after secession and while the State was independent and unconnected with any other in confederate bonds.

In March, 1861, after confederation with other States, the convention having reassembled, among other things passed the following resolution:

Resolved, That it is proper that the regular troops which have been enlisted in the service of the State should be transferred for the remainder of their enlistment to the service of the Confederate States, but that in doing so justice requires that all the officers should receive commissions of the same grade for at least the period of enlistment of the troops, and that the Governor of the State be authorized to make arrangements accordingly for such transfer with the President of the Confederate States and to endeavor to preserve, if practicable, the rank of all the officers.

By this resolution it evidently appears that it was the intention of the convention to transfer the troops as regulars, and if the transfer should be thus accepted to negotiate for the retention of the same officers, with new commissions to be given by the President. In scanning all the evidence which we are able to obtain, it manifestly appears that the purpose of the convention was not effected; that the troops were not received as regulars in the service of the Confederate States, and that the officers were not commissioned by the President.

General Jamison was sent to Montgomery to negotiate with the Confederate Government the terms of the transfer as directed by the State authority. In a communication from him, which is now before me, he says:

In my negotiation with him (the Secretary of War, Mr. Walker) about the troops, I proposed to turn over all the forces enlisted in the service of South Carolina, so that they should form the nucleus of the Regular Army of the Confederate States, and I made no reservation but that the forces so turned over should be retained to keep up the garrisons in Charleston Harbor during the continuance of the war.

In the same communication he states also that he could not get the Secretary of War to take definite action on the subject, except to consent to the appointment of Capt. C. H. Simonton as agent to receive the troops, &c. Mr. Simonton informs me that he did not act in this matter, but that the troops were mustered into Confederate service by General D. R. Jones, who was then assistant adjutant-general of the Provisional Army. Another source of evidence is

found in the testimony of the officers who were received and mustered into the service. It appears that they were received and mustered into service as volunteers from South Carolina, and that they have received and held no other commission than that derived from this State. It is further true that Governor Pickens, in whom was vested the power to appoint officers and fill vacancies, did at first, under his interpretation of the last resolution of the convention on this subject, decline to exercise the power and referred it to the President. It is equally true, as we are informed, that the President did also decline, affirming that the power was properly in the Governor; and this is substantiated by several facts—by the opinion then given by the Attorney-General, now Secretary of War; by several communications from Confederate officers, and the consequent uninterrupted and unquestioned practice of the Governor since that time.

On the 11th of July, 1861, Mr. Julius M. Rhett applied to the Secretary of War at Richmond for an appointment to a second lieutenancy in the battalion of the State regular artillery. On the 19th of the same month the following reply was sent to him from the War Department of the Confederate States of America:

JULIUS M. RHETT, Esq.,
Charleston, S. C.:

SIR: In reply to your letter of the 11th instant I am directed by the Secretary of War to say that such vacancies as are referred to in the documents that accompanied your letter are filled under State organization.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

On the 25th of July, 1861, Thomas S. Mills, who was at that time assistant adjutant-general under Col. R. H. Anderson, in the State regular regiment of infantry, received a communication from R. H. Chilton, assistant adjutant-general, Richmond, Va., which contains the following language:

In reply to your inquiry respecting the rules to be observed in filling up vacancies occurring in regiment under your command, the Secretary of War derives the following decision from opinion given by the Attorney-General.

Then comes the opinion:

When troops are organized under State laws, and received into service as so organized, as, for instance, by battalions or regiments, all vacancies occurring are filled according to State laws, &c.

Now, it is submitted that the troops in question were organized under State laws and received into service as so organized by battalion and regiment and with officers commissioned by the State; that the organization was never changed in any manner whatever, for although the convention desired to turn them over as enlisted troops and negotiate for the same rank for their officers, &c., yet this was declined and has never been done by the Confederate Government; but, on the contrary, they were received and have always been regarded and treated as State organizations, both by State and Confederate authorities and officers. This was also the way in which they were regarded and treated by Brig. Gen. R. H. Anderson, Provisional Army, as appears by his letter of 27th of July, 1861, in which he transmits a copy of instructions above quoted to Captain Simonton, assistant adjutant and inspector-general of South Carolina, and asks "very respectfully to press upon His Excellency Governor Pickens speedy promotions and appointments in the State regular artillery and infantry." Subsequently, to wit, on the 13th day of December, 1861, the present Secretary of War and former Attorney-

General, in a letter to Governor Pickens, supposes that his opinion already quoted was misapprehended, and says:

> In an opinion delivered by me when Attorney-General I decided in relation to volunteers that those called for from the States and organized under State laws were to be officered by the States, while those which were tendered directly to the Confederate Government in companies, regiments, or battalions were Confederate troops, to be officered under Confederate appointment, &c.

It is respectfully submitted that whatever was intended to be decided the Attorney-General has mistaken the decision made in his first opinion. The decision was in relation to troops organized under State laws, no matter whether volunteers or not, "and received into service as so organized, as, for instance, by battalions or regiments; the vacancies occurring are to be filled according to State laws, but when independent companies are tendered as such and so received by the President all vacancies are filled by his appointment."

The Secretary of War in his last communication makes a distinction between those volunteering under a call upon the States and those in service tendered by the States. The act of the Confederate Congress authorizing the President to receive such forces makes no such distinction. (See sections 3 and 4, act of Provisional Congress, approved February 28, 1861.) His power of appointment is therefore confined to general officers. Nor can any distinction be found in reason, unless, indeed, the States tendering should be regarded with greater favor than States permitting volunteers to tender themselves under a call. Under the decision of the Confederate authorities, by their request, and we think in accordance with the law of the Confederate States, the Governor has filled all vacancies which were to be filled by appointment. And the Legislature of this State, also acting under the sanction of these opinions and practice, has recently appropriated $35,000 for recruiting and re-enlisting men in the regiment of infantry and battalion of cavalry, and to raise the battalion of artillery to a regiment. Putting aside the legal aspects of the question, and taking into view only the assent and instigation of the Confederate authorities in establishing the mode of appointment as practiced for so long a period, and the action of the Legislature induced by such an established practice, we think that a change now would be not only unjust, but would produce confusion and injury to the public service.

It appears, therefore, that the appointment to fill vacancies occurring in the forces known as the regular artillery, infantry, and cavalry of South Carolina ought still to be made by State authority. And we may reasonably hope and expect, under all the circumstances, that the Confederate authorities will concur in this conclusion.

By provision of the ordinance of convention all State military appointments are to be made by the Governor and executive council.

The following resolutions are therefore recommended for adoption:

1. *Resolved*, That the Governor and council ought to fill vacancies which have occurred, or may occur, in the regular artillery, infantry, and cavalry raised by the authorities of this State.

2. *Resolved*, That the chief of the Department of the Military be instructed to transmit a copy of this report and resolutions to the Secretary of War of the Confederate States, with such explanations as he may deem expedient.

JAMES CHESNUT, JR.,
Chief of Department of the Military, South Carolina,
For himself and for

I. W. HAYNE,
Chief of Justice and Police.

OFFICE OF THE SECRETARY OF THE CONGRESS,
February 11, 1862.

His Excellency JEFFERSON DAVIS:

SIR: I have the honor officially to certify to Your Excellency that on February 10, instant, 1862, the two resolutions, copies of which I subjoin, and which I certify to be correct, were adopted by the Congress of the Confederate States; that is to say:

Resolved, That the President of the Confederate States be requested to communicate to Congress the number of troops now in the service of the Confederate States, specifying the States from which they come, the period of service for which they enlisted, and also the dates at which they were mustered into service and at which they will go out of that service; also the number of troops, if any, in the Regular Army of the Confederate States.

The second resolution, which is distinct and in no way connected with that set out above, is as follows, to wit:

Resolved, That the President be requested to have furnished the Congress by the heads of the several departments a list of the names of the different officers in each Department at the seat of Government, accompanied by a statement of the salaries they receive, and the State or country of which they are native.

Most respectfully, your obedient servant

J. J. HOOPER,
Secretary of the Congress.

[Indorsement.]

SECRETARY OF WAR:

Send copy of second resolution to each Department.

J. D.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 11, 1862.

Hon. Mr. BARNWELL,
Chairman Finance Committee:

SIR: The recent act of Congress authorizing the President to call on the several States for troops to serve for three years or during the war renders necessary an appropriation for the bounty and transportation of the men so furnished. It is believed that the number will not exceed 150,000, although the call has been for a larger number; but the condition of the States of Kentucky and Missouri at the present moment forbids the idea that they will be able to furnish more than a small proportion of their respective quotas. The Quartermaster-General's estimate, herewith inclosed,* is approved by me and respectfully recommended for adoption by the committee. The amount required is $11,100,000.

I am, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

RICHMOND, *February 11, 1862.*

Governor JOSEPH E. BROWN,
Milledgeville:

I will accept cavalry as well as infantry in fair proportion. I will order staff officers to the camps you select immediately, with tents,

* Omitted.

supplies, and funds for paying bounty. Let me know where you fix your camps.

J. P. BENJAMIN,
Secretary of War.

A PROCLAMATION.

EXECUTIVE DEPARTMENT,
Milledgeville, February 11, 1862.

To the PEOPLE OF GEORGIA:

The outrageous usurpations of power and aggressions upon our rights committed by the Federal Government, and the absolute degradation to which the Southern people were exposed if they submitted to the rule of Mr. Lincoln, who was elevated to power by the abolitionists and protectionists of the North, compelled the State of Georgia, in common with her other Southern sisters, to withdraw from a Union in which the constitutional rights of her people were no longer respected and their lives and property no longer secure. After the secession of the Southern States and the establishment of the Confederate States Government the tyrannical despotism which rules at Washington waged a wicked and bloody war upon the people of these States, because in the exercise of one of the most sacred rights of freemen we threw off the yoke of bondage attempted to be fastened upon us and our posterity and refused to be "hewers of wood and drawers of water" for a haughty and insolent people who claimed the right to compel us to render obedience to their mandates. In their attempt to subjugate us the Northern troops have been permitted to disregard all the rules of civilized warfare. They have not only stolen our property and laid waste the country behind them where they have advanced within our territory, but with fiendish malignity they have on several occasions, in cold blood, shot down unarmed and unoffending women and children. Not only have they disregarded all the dictates of humanity, but with sacrilegious infidelity they have even desecrated the altars of God, and have defiled and polluted our churches and places of public worship.

While the troops in the field have been perpetrating these enormous wrongs, the Lincoln Cabinet has, in violation of the plainest principles of the Constitution, suspended the writ of habeas corpus, and has ordered the seizure and imprisonment of Southern men and Southern women, and of such as sympathize with us, for an indefinite period, without the verdicts of juries, the judgments of courts, or the sentence of courts-martial. Some of the noblest and truest sons and daughters of Georgia are included in the number whose rights have been thus wantonly outraged. But these outrages are not confined to the troops and to the Cabinet. The Lincoln Congress has passed laws confiscating a very large portion of the property of the Southern people, and a bill is now pending before that body, if it has not already passed, to assess an exceedingly burdensome tax against the lands of every man in the South to assist them to carry on the war for our destruction; and if the tax is not paid into their treasury after a short period, the bill declares that all our lands shall be confiscated and taken from us, and authorizes the President, as fast as he gains possession of the country by force of arms, to seize the lands, eject their Southern owners from them, and colonize them with Yankees and foreigners, who are to hold them under the authority of the United

States, and to take possession of our negroes and compel them to cultivate the lands taken from us for the benefit of the Northern Government. The object of this act is the general confiscation of all the lands of the South to the Lincoln Government. If conquered we are to be driven from them, and leave them to be occupied by our most deadly enemies. It is already the public boast of one of the Northern generals, who is also a U. S. Senator, that it is the settled policy of the Government to make the lands of the sunny South the home of a colony of negroes belonging to the North, under masters and rulers appointed by that Government. To accomplish this it is proposed to arm the negroes and incite them to destroy our wives and our children.

Not content with depriving us of all our lands, it is the known policy of that Government to take the balance of our property to pay the debt which they have contracted in preparation for our subjugation. This debt already reaches nearly $1,000,000,000. If, then, we are overcome, we not only lose all the lands and all the other property we possess, but we must be driven from the homes of our ancestors, and must leave their graves and the altars which they have bequeathed to us to be trampled under foot by our insolent masters; and what is still infinitely worse, we lose our civil and religious liberties, and must transmit a heritage of bondage to our posterity. Will Georgians ever submit to those outrages? If we do while there is a man in the State able to bear arms, a lady able to work to clothe him, and a dollar with which to support him in the field, we have degenerated and are unworthy our ancestors. Nay, more, we are unworthy the sacrifices which have been made for our protection by the noble sons of our State, who in many a battle-field have lately poured out their life's blood, a willing offering in illustration of our character and vindication of our cause. But, my countrymen, if we would avert the calamities to which I have alluded we must awake from the slumbers of false security, and thousands more from Georgia must immediately fly to arms. The Lincoln Government now has over half a million of men in the field, armed, accoutered, and equipped with all the outfits necessary for the soldier. These troops are enlisted for the war. Most of them are becoming well trained. That Government also has a large naval force, and has the control of the seas around us, and of part of our inland waters. Our ports are blockaded. The territory of almost every State in the Confederacy, including the territory of our own Georgia, is now invaded by a heavy, threatening force. Soon the blow is to be stricken with terrible fury on many a bloody field. To meet this vast force we have a smaller number. Of this number a large proportion entered the service for a term which expires during the ensuing spring. The enemy looks to this fact with great interest, and expects to strike the decisive blow when we are weakened by the discharge of more than half our entire army. This we must not permit, but without delay we must much more than fill the places of all whose terms expire and who cannot re-enlist. Our troops now in the field have shown a noble, self-sacrificing disposition, and I cannot doubt that every one of them who can possibly do so will respond cheerfully to their country's call in this solemn hour of trial and promptly re-enlist for the war. After this has been done many more will still be needed, and we must not deceive ourselves by supposing that those now in the field can do all that is required.

With a view to meet the present emergency, the President of the Confederate States has made a requisition upon the Governors of the

different States for such additional force, to serve for three years or during the war, as in his judgment is sufficient for the present crisis. In carrying out this wise policy he has called upon me as your Governor to furnish twelve additional regiments from Georgia, for the length of time above specified, by the 15th of March, if possible. I am requested to order the troops into camps of instruction, and am authorized by the Secretary of War to say that he will furnish them, at the expense of the Confederate States, with "clothing, equipments, and arms," and that a bounty of $50 will be paid to each volunteer private so soon as his company is mustered into the service, and that transportation will be furnished to each from his home to the place of rendezvous. The law also authorizes the volunteers to elect their own officers. In compliance with the request of the Secretary of War, I will establish three camps of instruction—one at Camp McDonald, seven miles above Marietta, on the Western and Atlantic Railroad; one at Camp Stephens, near Griffin, and one at Camp Davis, thirty miles from Savannah, on the Central Railroad. Under this requisition from the President it becomes my duty to call upon the chivalrous sons of the Empire State who still remain at home to emulate the noble example of those who have gone before them to the field, and to contribute their part to sustain the high character won for Georgia by the valor of her troops in every contest where they have met their country's foe. In view of the past I cannot permit myself to entertain a reasonable doubt that the whole number required will immediately respond as volunteers. Surely no true, patriotic son of our State, when all the property he possesses, his life, and the liberties of his posterity are at stake, will wait to be forced into the field by draft. Were Georgia's sons capable of this, I cannot believe that the noble women of the State, who have done so much for the cause, would ever tolerate such delinquency.

Should I have the mortification to find that I am mistaken in this most reasonable expectation, I shall immediately proceed to detach or draft such number from each regiment or independent battalion in this State as may be necessary, with the number who may volunteer, to make up the quota required from such regiment or independent battalion. The statute does not require that the draft be made by lot, but leaves the mode of making the detachment or draft to the discretion of the commander-in-chief. Let it be remembered that no bounty is paid to the soldier who has to be forced by a draft to defend his home, and that the proper authority has the right to assign to him the officers by whom he is to be commanded. The bounty and the elective franchise belong under the law only to the brave volunteer. That the question may be decided without delay, and the required regiments be raised immediately, either by the acceptance of volunteers or by detachment or draft, the adjutant and inspector general, under my direction, will proceed to issue orders to the commanding officer of each regiment or independent battalion in this State, and if the regiment or battalion is not fully organized, then to the senior officer entitled to the command, informing him of the number of men required from his command, and directing him to call out the regiment or independent battalion at the regimental or battalion parade ground on Tuesday, the 4th day of March next, and each and every man in Georgia liable to do military duty is hereby required to take notice and attend at the parade ground of the regiment or independent battalion to which he belongs on that day.

When the regiment or battalion is assembled the commanding officer will be required to call for such number of volunteers as are required

from his command. If a sufficient number do not respond to the call, he will be directed to detach or draft the balance of the number needed, taking down as drafted first the names of all who are subject to do military duty, who have been notified of the time and place of such parade and are absent from it, except for providential cause made known at the time. The commanding officer will also receive from the adjutant and inspector general instructions as to the class next to be detached in case a sufficient number has not been offered when this class is exhausted. Each justice of the peace in each county is also hereby charged with the duty of attending the parade and reporting to the commanding officer the names of any persons in his district subject to do military duty who are not present. The commanding officer will on that day be required to make out a complete roll of all the names of persons under his command liable to do military duty, and forward a copy to the adjutant and inspector general's office. I cannot close without repeating my ardent hope that a number of volunteers sufficient to fill the entire requisition will promptly respond. This is required to sustain the honor of Georgia, her proud position as the Empire State, and the immortality of glory already won for her arms by the brilliant deeds and heroic daring of her troops in the field. Let none be discouraged on account of our late reverses. We cannot expect always to be victorious. We have had the most cheering evidences of the interposition of Divine Providence in our favor, while our arms have been crowned with a succession of victories which find but few parallels in history. True, the enemy has the advantage of us upon the waters, but before he can subjugate us he must expose his troops where we can meet them hand to hand and drive them back by the use of cold steel in close quarters. Here his courage fails him, and here it is that our troops have shown a wonderful superiority and a most remarkable heroism. Here, then, let every Georgian go forth resolved to grapple with him, and, with that true courage that nerves the patriot's arm, here let us force him to decide the contest. If we do this, and are ever mindful of the strength of that Almighty arm upon whose assistance we should humbly and confidently rely, we cannot fail to drive the invader from our genial territory back to his frozen home. In this hour of national peril, when our danger is imminent, trusting in God, who alone is able to give us victory, but who will not assist us unless we humble ourselves in His presence and exert all the strength with which He has endowed us, I warn you of the danger which surrounds you, my countrymen, and, as your commander-in-chief, I exhort you to lay aside, when necessary, every other employment, and I now summon you immediately to arms. Strike, before it is too late, for your liberties, your families, your homes, and your altars.

JOSEPH E. BROWN.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, February 11, 1862.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: I have your letter of the 2d instant informing me that the quota of troops for the war for the State of North Carolina, as fixed by direction of the President, was "6 per cent. of our white population." This I suppose is, in round numbers, 38,000 men. We have now in for the war, in round numbers, 11,000 men, and for twelve

months, say 23,000, leaving 4,000 to be furnished now. We will go to work with energy to raise this number, which we hope to accomplish in time to have one additional regiment ready to take the field in place of the first twelve-months' regiment to be discharged, and afterward to supply the place of each twelve-months' regiment as its time expires. I think it would be better to allow each regiment of North Carolina troops to return to Raleigh, to be mustered out of the service in this city. You say:

> These troops will be mustered into service at convenient camps of instruction which you (the Governor) are respectfully requested to select, and will there be clothed, supplied, and armed at the expense of the Confederate States.

I understand from this that you will be at all the necessary and proper expense of these camps. If this is so, as the management of these camps will be under the immediate control of the adjutant-general of the State, Maj. Gen. J. G. Martin, I will send him to Richmond to arrange the details as soon as I hear from you in reply to this. I would like the details of this matter to be arranged in writing with such officer of the C. S. Army as you may charge with the same.

I have the honor to be, sir, very respectfully, yours,

HENRY T. CLARK.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 11, 1862.

Governor F. R. LUBBOCK,
Austin, Tex.:

SIR: I have the honor to acknowledge the receipt of your letter of the 13th ultimo, and to return my thanks for the early and favorable consideration given to my letter of December 2. I regret, however, to say that Your Excellency was mistaken in your construction of my letter, and that the Board was right in supposing that I had given no authority to Mr. Giddings to grant receipt for the bonds as agent of this Department. I could give Mr. Giddings no authority to make the exchange of bonds, nor to receipt to you for the bonds, for the single reason that I myself was without power, under the law. The case is simply this: I have authority to buy arms, payable in the bonds of the Confederate Government. I authorized Mr. Giddings to buy the arms and furnished him $250,000 for that purpose, being as large an amount as I was willing to place at one time in the hands of one agent.

Mr. Giddings said that parties in Matamoras were willing to sell arms for the U. S. bonds held by Texas. I said that if Texas would buy such arms as he approved for her bonds, at prices also approved by him, I would bind this Department to buy the arms from Texas at cost, giving Confederate bonds for them. Under the act of your Legislature, therefore, as the matter will be one equally advantageous to both governments, it seems to me that the only course is for your board to send an agent with your bonds to pay for such arms as Mr. Giddings may be willing to buy. On the delivery of the arms to Mr. Giddings, to be forwarded to this Department, I will pay for them in Confederate bonds, giving you the same amount in Confederate bonds as you give in U. S. bonds. In this way you run no risk, as you become entitled to Confederate bonds the moment the arms are delivered to Mr. Giddings in Matamoras, and I run no other risk than that of getting the arms brought safely to New Orleans, which risk I am willing to take for the Government.

Regretting that there should have been any misunderstanding on your part, against which I endeavored to provide by the careful wording of my former letter,

I am, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, February 11, 1862.

G. H. GIDDINGS, Esq.,
Austin, Tex.:

SIR: I have your two letters of 11th and 13th ultimo, brought by your brother. I regret that there should have been any misunderstanding in our arrangements. I have no authority to make an exchange of bonds with Texas, and for that reason arranged, and so stated in my letter, that the State was to buy the arms and pay for them in U. S. bonds, and this Department would receive the arms and pay for them in Confederate bonds. Your brother mentions your purpose to send to Europe to buy arms. I give you no authority to do this. I gave you authority to buy arms in Mexico—to buy in Matamoras from merchants who would agree to deliver arms there—and placed in your hands $250,000 to pay for arms, giving you power to convert the money into cotton in order to make payments, as our notes are not current in Matamoras. As fast as you exhaust your means in purchases I will replenish, but I do not see any necessity for placing funds of any kind in Matamoras to a greater amount than you have in hand until arms are there ready for delivery. The amount in your hands is more than sufficient to satisfy any house that you have authority and means to purchase, and they can certainly require nothing further till the arms are delivered, at which time they will be paid for. I want your operations in the purchase of arms and munitions for the Government confined strictly within the limits herein expressed, and desire no shipment of cotton made on account of Government except in payment for arms already delivered, nor any contracts except for the delivery of arms in Matamoras or our own ports. I do not authorize you to buy arms abroad nor contract for arms abroad, but only for arms delivered here, *i. e.*, in Matamoras or within the Confederacy.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

EXECUTIVE DEPARTMENT,
February 11, 1862.

GENTLEMEN OF THE SENATE AND HOUSE OF DELEGATES:

A crisis is upon us. The result of recent reverses to our arms at Mill Springs, Fort Henry, and Roanoke Island appeal in the strongest terms to our patriotism, and demand an exhibition of all our energies, an uncompromising spirit, and stern and determined resolution. The exigencies of the times are not duly appreciated by many of our people; the dangers which environ us are too lightly estimated. We must see and feel their imminence before we can be aroused to that

action which is necessary to save us from alarming ills and to avert evils which threaten our existence, our peace, and our organization as a Government. The results referred to should be sufficient to arouse the people of the Confederacy to stimulate and call into action all our energies, physical and intellectual. It cannot but be apparent to every mind that the object of our enemies is to cut off our southern connections by railroad and otherwise and to defeat the transportation of troops from one point to another with certainty and celerity as our necessities may demand. This result accomplished and one great step will have been taken toward their success and our subjugation. It becomes us, therefore, to perfect our organization and bring into active use all our strength to defeat the designs of a wily and unscrupulous foe, whose march has been marked by brutality, bloodshed, and plunder. Every citizen of Richmond ought to feel and know that the possession of this city is an object of the most earnest and anxious desire on the part of our enemies. Its mechanical and manufacturing interests are doing so much to uphold the Southern Confederacy that its loss to us would be well nigh irreparable. The various propositions which have been made by Lincoln and his allies to parcel out the territory of this Commonwealth makes the possession and subjugation of Virginia an object not less desirable. The casual observer cannot have failed to see these things, and they should rouse up every latent feeling of patriotism that slumbers within him and bring it into prompt and decisive action. The defense of Richmond, Norfolk, Fredericksburg, and other parts of the State is of the utmost importance, and to secure this defense we must at once take steps to secure organization and bring an efficient corps into the field. I therefore recommend:

First. That the male population of the cities and towns be divided into those subject to ordinary and extraordinary draft; the first class to embrace those between eighteen and forty-five, the second class to embrace those between sixteen and eighteen and those between forty-five and sixty years of age.

Second. To authorize the Governor, when informed by the President of the Confederate States of the urgency for so doing, to call out both classes for home defense, to make rules and regulations for their organization into companies and regiments in conformity with the laws of Virginia, and require all places of business to be closed at 2 p. m., and the whole force, drafted as aforesaid, to turn out for discipline and instruction.

Third. The ordinary draft to be ordered if necessary to defend any lines of approach to the town or city to which they belong, the extraordinary draft not to be required to serve beyond a distance of five miles from the limits of the town or city to which they belong.

Fourth. To include in such drafts all persons sojourning in the cities or towns for a period longer than ten days.

Fifth. None to be exempt for any other reason than service in the State or Confederate States.

If this is considered hard service let the people of the cities and towns recollect that the people of New Orleans, Charleston, Mobile, and Savannah have adopted this policy and have steadily practiced it for months past. The people of Richmond and other cities and towns in Virginia are just as much exposed as those of the cities I have named and should be willing to sacrifice as much for the common cause in the way of ease and comfort. If the Legislature will pass a law the patriotism of the people of Virginia will respond to it

and show that they are not less ready to make all necessary sacrifices for the common cause than those of any other State in the Confederacy.

Respectfully,

JOHN LETCHER.

GENERAL ORDERS, No. 6.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, February 12, 1862.

I. The following acts of Congress and regulations in reference thereto are published for the information of the Army:

AN ACT for the recruiting service of the Provisional Army of the Confederate States.

SECTION 1. *The Congress of the Confederate States [of America] do enact*, That the Secretary of War be, and he is hereby, authorized to adopt measures for recruiting and enlisting men for companies for service in the war,* or three years, which by the casualties of the service have been reduced by death and discharges.

SEC. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to detail the company commissioned officers for the above duty, in such numbers and at such times as in his opinion will best comport with the public service. The officers thus appointed to enlist and recruit for their respective companies.

Approved December 19, 1861.

SEC. 3. Any vacancy [vacancies] occurring in the ranks of companies mustered into the Confederate service for three years, or for the war, may be filled by volunteers; and the commander of each of said squadrons, battalions, or regiments, organized as aforesaid, may detail one commissioned officer, and one non-commissioned officer, and one or more privates from each company of his command, with the approval of the brigadier-general of the brigade to which said squadron, battalion, or regiment may be attached, to recruit men for such company; so that the same may contain not more than one hundred and twenty-five, rank and file; and the men so recruited shall be mustered at the time of enrollment, and shall be entitled to transportation and subsistence, or commutation of subsistence, till they join their respective companies, and to fifty dollars bounty, to be paid at the time of joining the same. (Third section act 28th [22d] of January, No. 356.)

AN ACT to provide for recruiting companies now in the service of the Confederate States for twelve months.

SECTION 1. *The Congress of the Confederate States of America do enact*, That all companies of volunteers now in the service of the Confederate States, under enlistment for the term of twelve months, may be recruited by enlisting or receiving volunteers for three years or the war, to a number not to exceed one hundred and twenty-five, rank and file; and companies so recruited shall, at the expiration of the term of service of the original company, elect their commissioned officers; and vacancies thereafter occurring in the commissioned offices of such companies shall be filled by promotion of said commissioned officers, except that vacancies in the lowest grade of such offices shall be filled by election.

SEC. 2. The colonel or commanding officer of the several regiments, battalions, and squadrons enlisted for twelve months, as aforesaid, may detail one commissioned officer and not exceeding two privates of each company to recruit for their respective companies, and the officers and privates so detailed shall be entitled to transportation while so engaged, and the recruits so enlisted shall be entitled to pay, transportation, and subsistence from the time and place of enlistment, together with the sum of fifty dollars, as a bounty, upon joining their respective companies.

SEC. 3. The original volunteers in such companies re-enlisting, according to the terms of the act entitled "An act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army," may re-enlist in and form a part of the companies to be recruited as herein provided; and when all the companies composing the regiment, battalion, or squadron as aforesaid shall, by recruiting as aforesaid, or by re-enlistment and recruiting as aforesaid, have attained at the date of the expiration of the term of service of

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*See foot-note (*), p. 833.

the original companies the number required by law for a company, the number and designation of such regiment, battalion, or squadron may continue, or such of said companies as are complete at that date may reorganize into new regiments, battalions, or squadrons, or attach themselves to other regiments, battalions, or squadrons; and in all such cases the field officers shall be elected, and vacancies thereafter occurring in such field offices shall be filled by promotion, as directed by the act aforesaid.

SEC. 4. Companies organized by re-enlisted twelve-months' volunteers, under the act aforesaid, may be recruited to the number of one hundred and twenty-five, in the manner prescribed in the second section of this act.

SEC. 5. Where, at the date of the expiration of the term of service of the original company, the number of recruits and enlisted men may not amount to the minimum number required for a company, the recruited men may combine with recruits of other companies in like situation, so as to form complete companies; and in default of such combinations the said recruits may be assigned or distributed to other companies from the State in which such recruits were enlisted.

SEC. 6. The Secretary of War shall make all needful rules to carry into effect the foregoing provisions.

Approved January 27, 1862.

II. Commanding officers of all war and twelve-months' regiments, battalions, squadrons, and independent companies or three-months' volunteers now in service will detail for recruiting service, subject to approval of the brigadier-general of the brigade with which they are serving, a commissioned officer and one non-commissioned officer or private from each company below the maximum organization (125 men), with instructions to proceed to the neighborhood where his company was raised, and there enlist recruits to raise the company to the maximum organization.

III. Officers detailed for recruiting service will make requisitions on the Adjutant and Inspector General for recruiting funds, reporting the station to which they have been ordered, the company and regiment for which they have been directed to recruit, and the post town, county, and State to which letters for them should be addressed. A similar report should also be made to the Commissary and Quartermaster's Departments, in order that the required instructions may issue to the proper officers of these departments to fill the requisitions necessary for such recruiting purposes.

IV. As soon as possible after the enlistment of a recruit he shall be inspected by a commissioned surgeon or assistant surgeon of the Confederate States, and if unfit for service shall be rejected. In all cases this inspection shall take place before the recruit leaves the State in which he is enlisted.

V. A commutation for rations, at the rate of 25 cents per ration, shall be allowed to each recruit from the date of his enlistment until he is supplied regularly with subsistence by an officer of the Commissary Department.

VI. No clothing nor commutation for clothing will be allowed a recruit until after inspection. As soon as possible after inspection and muster the recruit will be supplied with clothing or commutation therefor by the nearest quartermaster, in accordance with regulations.

VII. The time allowed for recruiting will in no case extend beyond thirty days, at the expiration whereof the recruiting party, with the enlisted men, will proceed to join their company.

VIII. Officers in charge of recruiting parties will keep a strict account of the disbursements made by them of moneys placed in their hands for the recruiting service, taking duplicate receipts for every item of expenditure; one set of these receipts will be retained by the officer for his security, the other set, with an account current, will, at the expiration of the recruiting term, be transmitted to the Adju-

tant and Inspector General for final settlement at the Treasury. These vouchers and accounts current, addressed to the Adjutant and Inspector General, will be marked on the upper right-hand corner of the envelop which covers them "Recruiting Service."

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, *February 12, 1862.*

His Excellency F. R. LUBBOCK,
Governor of the State of Texas, Austin, Tex.:

SIR: Under the recent acts of Congress authorizing the recruiting of twelve-months' companies now in service by the enrollment of men to serve for three years or during the war, and for the recruiting of war companies now in service, recruiting parties have been sent to your State to obtain re-enforcements according to the terms above described. To expedite the completion of their several quotas is now of the highest importance to the public defense, and you are therefore requested and earnestly solicited by the President to use your executive powers in aid of such recruiting parties in such manner as to you shall seem most likely to secure the end in view.

Very respectfully, &c.,

S. COOPER,
Adjutant and Inspector General.

AN ACT to pay interest due the Choctaw Nation upon stocks of the State of Virginia.

The Congress of the Confederate States of America do enact, That there be, and is hereby, appropriated for interest from January first, eighteen hundred and sixty-one, to January first, eighteen hundred and sixty-two, on $450,000 of the stock of the State of Virginia, included in Choctaw general fund, held in trust by Secretary of the Interior of the United States, which interest has been transferred by said State to Government of the Confederate States, to be paid over to Choctaw Nation of Indians, or persons empowered by such nation to receive it, $27,000.

Approved February 13, 1862.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., February 13, 1862.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond:

SIR: I have the honor to acknowledge the receipt of your communication of the 2d instant, making a requisition on this State for twelve regiments to serve for three years or during the war, but have not up to this time seen or been able to obtain a copy of the act to the title of which you refer and under which the requisition is made. I understand, however, from the tenor of yours that the troops can only be mustered into service by companies, and subsisted only from the time

they are so mustered in. If I am correct in this I feel it my duty to state to you, with perfect frankness, that I am satisfied that the requisition cannot be filled by the time you prescribe, if indeed it can be filled at all. The volunteers do not consider themselves bound until mustered in, and it is all important that this should be done as early as possible. If they could be mustered in in squads of not less than ten or twenty as fast as that number arrived at the camp which might be designated, and on condition that if the requisite number was not obtained within a fixed day to complete the company to which they were to be attached they should either be distributed into other companies who had not the maximum number, or formed with other squads into new companies. This course was successfully tried in the late requisition made upon this State by General A. S. Johnston. If it can be allowed in the present instance, I would urge that the authority as to mustering in both companies and squads, as well as the distribution of the latter as proposed on their organization into companies, be delegated to the State Executive to be exercised by his direction, rather than by the Confederate officers. The former would be to a certain extent responsible for the exercise of this power so as most to promote the comfort of the volunteers, and they would accept the conditions the more readily and cheerfully in the one case than in the other. As to the mere act of mustering in, the reasons are still stronger in favor of the exercise of that power by the State. The Confederate officers can scarcely find time to muster in companies, much less squads. In Montgomery, for instance, there is a quartermaster, a commissary, and an ordnance officer, all of whom are charged with important duties at the time their services as mustering officers are required. The men become restless, enough leave to reduce the ranks below the minimum number, and the consequence is the disbandment of the company. It is within my own personal knowledge that the Confederacy has lost the services of 2,000 volunteers in this State for no other cause than that the mustering officer was prevented by his other duties from leaving this point on the day on which the companies were ready. Why should not this authority be delegated to the State Executive? It costs the Confederacy nothing, and I venture the assertion that my aides-de-camp, or the officers I should detail to discharge this duty, would perform it as correctly and with as much alacrity as the Confederate officers.

As to subsistence, I would respectfully suggest that as soon as a certain number of volunteers arrived and are mustered in, either as companies or squads, upon the conditions I have specified, they should be subsisted from that time. The expectant officers and their friends cannot subsist their men from the time they commence recruiting until the number requisite to complete the company is obtained. I speak within bounds when I say that thousands have been lost to the service from this cause alone. What I propose is simply this: As fast as volunteers arrive at the camps I would muster them in by companies or squads, the latter signing a printed engagement with the proper conditions. They should receive subsistence from that time. Other details can be added which your own practical experience and judgment will if necessary readily suggest.

In relation to the payment of the bounty money, I would beg leave to suggest that it would contribute much to the success of the requisition if I could give my personal and official assurance that its payment would be punctually made. The volunteers as a class can seldom appreciate the difficulties in this direction, and any delay in

making the payment would operate injuriously by its effect upon the zeal and spirit of our people. General Bragg can bear testimony that the First Alabama Regiment was saved to the service by an advance of $50,000 from the bank at this place to pay the bounty and arrears of pay due, without which, in all probability, they would not have re-enlisted.

In relation to the clothing, also, I would [beg] leave to inquire if the issues by the Department to the volunteers will include blankets, shoes, and underclothing; and also if the Confederate Government will be able to furnish clothing in kind to all the troops from this State during the spring, summer, and fall. Information on these points is essential not only to answer the inquiries of the volunteers, but also for the purpose of determining and regulating the action of the State in providing supplies of clothing for them in case it should not be furnished by the Confederacy.

You will, my dear sir, readily appreciate the motives which have induced this rather lengthy communication, and excuse the liberty I have taken in pressing these matters on your attention. I should not have done so had I not regarded them as absolutely essential to the meeting the requisition in the shortest possible time.

I have the honor to be, very respectfully, your obedient servant,

JNO. GILL SHORTER.

MILLEDGEVILLE, *February 13, 1862.*

Hon. J. P. BENJAMIN:

I have apportioned the troops you require among the different counties of the State. Please suspend the issue of commissions to raise independent organizations till the requisition is filled, as the two do not harmonize, and confusion is the result.

JOS. E. BROWN.

[FEBRUARY 13, 1862.—For Edwards to Davis, transmitting resolutions of the North Carolina convention, requesting the return of certain regiments to Wilmington, see Series I, Vol. LI, Part II, p. 470.]

STATE OF SOUTH CAROLINA, DEPT. OF THE MILITARY,
Columbia, S. C., February 13, 1862.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: Your communication of the 2d instant, addressed to Governor Pickens, has been referred by Governor and council to the department for reply. I take great pleasure in assuring you that we will exert every energy in putting at your disposal the quota of the State called for by the President for the war. I will send you also by to-night's mail an address to our troops on the Potomac, and ask your aid in putting it immediately before them, and another paper on the subject of appointments to the troops known as South Carolina State Regulars. I request your suspension of opinion on this subject until you have read it.

With great respect, I have the honor to be, your obedient servant,

JAMES CHESNUT, JR.,
Chief Department of Military, South Carolina.

BY THE PRESIDENT OF THE CONFEDERATE STATES OF AMERICA:

PROCLAMATION.

Whereas, an act of the Congress of the Confederate States of America entitled "An act to organize the Territory of Arizona," was approved by me on the 18th day of January, 1862; and whereas, it is therein declared that the provisions of the act are suspended until the President of the Confederate States shall issue his proclamation declaring the act to be in full force and operation, and shall proceed to appoint the officers therein provided to be appointed in and for said Territory:

Now, therefore, I, Jefferson Davis, President of the Confederate States of America, do issue this my proclamation declaring said "Act to organize the Territory of Arizona" to be in full force and operation, and that I have proceeded to appoint the officers therein provided to be appointed in and for said Territory.

Given under my hand and the seal of the Confederate States of America at Richmond, this fourteenth day of February, A. D. 1862.

[SEAL.] JEFFERSON DAVIS.

By the President:

R. M. T. HUNTER,
Secretary of State.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., February 14, 1862.

Hon. J. P. BENJAMIN,
Secretary of War:

DEAR SIR: I have to-day received your telegram of the 11th saying you will accept cavalry and artillery as well as infantry in fair proportions. I will therefore proceed to organize, if I can, some cavalry and some artillery with the infantry. I have sent you a copy of my proclamation, in which you will see that I propose to organize three camps of instruction—one at Camp McDonald, near Marietta; one at Camp Stephens, near Griffin, and one at Camp Davis, thirty miles from Savannah, on the Central Railroad. Please make provision soon for the men at these camps, as some companies may report ready for orders in a few days.

It will be desired by the artillery companies that they be furnished with batteries as soon as possible. Please inform me what weapon you will be able to give the cavalry, as the question will be often asked. Will you please say what number of cavalry you will receive. I wish to do all in my power to carry out your views fully. I hope to raise, either by volunteers or by draft, the whole number required on the 4th day of March, and will have them all in camps as soon thereafter as possible. I now have reason to believe that a number of companies will offer before that time, and I will order them to the camps as fast as they tender.

I am, very truly, &c.,

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 14, 1862.

His Excellency the GOVERNOR OF LOUISIANA:

SIR: Under the recent acts of Congress authorizing the recruiting of twelve-months' companies now in service by the enrollment of men

to serve for three years or during the war, and for the recruiting of war companies now in the service, recruiting parties have been sent to your State to obtain re-enforcements according to the terms above described. To expedite the completion of those several quotas is now of the highest importance to the public defense, and you are therefore requested and earnestly solicited to use your executive powers in aid of such recruiting parties in such manner as to you shall seem most likely to secure the end. Any troops so raised will always be credited to the State in counting the quota furnished by it.

Very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

(Same to the Governors of Arkansas, Tennessee, North Carolina, South Carolina, Virginia, Florida, Georgia, Mississippi, Alabama, and Texas.)

RICHMOND, VA., *February 14, 1862.*

Governor J. J. PETTUS,
Jackson, Miss.:

No recruiting is allowed for twelve-months' regiments unless the recruits enlist for the war under an act of Congress recently passed. If the recruits are for the war they are permitted by act of Congress, and will be counted as part of the quota asked from your State. Please announce on my authority that no transportation or subsistence will be allowed to recruits for less than the war, nor will the Government recognize them in any way.

J. P. BENJAMIN,
Secretary of War.

RICHMOND, VA., *February 14, 1862.*

Governor LETCHER, of Virginia,
Richmond, Va.:

SIR: In acknowledging the receipt of your letter of the 13th instant, communicating a resolution adopted by the General Assembly on the 12th instant, I can give the assurance that whenever the militia can be dispensed with they will be discharged. At this moment we anxiously desire an increase of force, and look earnestly for the enrollment of volunteers.

Very truly, yours,

JEFFERSON DAVIS.

EXECUTIVE DEPARTMENT OF VIRGINIA,
Richmond, February 14, 1862.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: I am instructed by His Excellency the Governor to inquire of you:

First. Will the volunteers now in service who shall re-enlist for three years or the war into the service of Virginia, to be transferred to the Confederate Government, be entitled to a bounty of $50 each?

Second. Will the Virginia Volunteers re-enlisting under the late act of Assembly for three years, to be credited for the term already served at date of re-enlistment, be entitled to the same bounty?

Third. Will volunteers for three years or the war who have not heretofore served be entitled to the same bounty?

The Governor respectfully asks your response, if practicable, during the morning.

I am, most respectfully, your obedient servant,

S. BASSETT FRENCH,
Aide-de-Camp.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, February 14, 1862.

Hon. JOHN LETCHER,
Governor of Virginia, Richmond, Va.:

SIR: I have the honor to acknowledge the receipt of your letter of this date, making inquiry respecting the bounty to be paid soldiers. Your three questions are answered affirmatively. Each soldier furnished by Virginia for the war in response to the call made by the President will receive a bounty of $50 when the regiment or company is mustered into the Confederate service, and will also be allowed transportation from home to the place of rendezvous.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

AN ACT to alter and amend an act entitled "An act for the sequestration of the estates, property, and effects of alien enemies, and for indemnity of citizens of the Confederate States, and persons aiding the same in the existing war with the United States," approved August thirtieth, eighteen hundred and sixty-one.

The Congress of the Confederate States of America do enact, That all and every the lands, tenements, and hereditaments, goods and chattels, rights and credits, and every right and interest therein embraced by said act of sequestration, of which this act is an alteration and amendment, shall be collected and sold as provided for in this act, and the proceeds paid into the Treasury of the Confederate States; but in no case shall a debt or other chose in action be sold.

SEC. 2. *Be it further enacted*, That all money realized under this act and the act to which it is an amendment shall be applied to the equal indemnity of all persons, loyal citizens of the Confederate States, or persons aiding the same in the present war, who have suffered or may hereafter suffer loss or damage by confiscation by the Government of the United States, or by any State government or pretended government acknowledging and aiding the Government of the United States in this war, or by such acts of the enemy or other causes incident to the war as by future act of Congress may be described or defined as affording, under the circumstances, proper cases for indemnity. And all money realized as aforesaid shall be paid into the Treasury of said Confederate States, as provided by the act to which this is an amendment; and the faith of the Confederate States is hereby pledged that the same shall be refunded as required for the purposes aforesaid. And the Secretary of the Treasury shall cause a separate account of said money to be kept in well-bound books procured for that purpose.

SEC. 3. *Be it further enacted*, That it shall be the duty of every person in actual possession of or having under his control any money, property, effects, or evidences of debt, belonging to an alien enemy,

speedily to inform the receiver, and to render an account thereof, and at once to pay over to the receiver and to deliver to him such property and effects and evidences of debt; and such payment and delivery shall be made without regard to whether any proceedings have or have not been instituted to sequestrate the same. And any person who, after giving such information, shall fail so to pay over and deliver on demand, made by the receiver, shall stand in contempt, and the receiver shall at once move the court or judge to proceed against such party as in other cases of contempt; and the court or judge may imprison the offender until he shall fully comply with the requirements of this act. And such payment or delivery shall fully acquit and discharge the party from all and every claim for or on account of such money, property, effects, and evidences of debt. And the receiver shall give such person a receipt specifying the amount of money, the property, effects, and evidences of debts paid and delivered, and the name of the alien enemy on account of whom the same shall be paid and delivered: *Provided*, That when the person having the possession or control of any money of an alien enemy asserts a debt or claim against such alien enemy in his own favor he may file it in writing in the proper court, swearing that he believes himself justly entitled to the same, and thereupon he shall not be compelled, in the first instance, to pay over to the receiver the amount thus propounded and claimed by him; but the court shall then proceed to examine and try the validity of the said debt or claim and decree according to the facts found and the rights and justice of the case. And if the court decides against the debt or claim, the party setting up the same shall forthwith pay over the sum so retained by him. And if the court shall decree in favor of the debt or claim thus propounded and it exceeds the entire amount originally in possession of such debtor or claimant, he shall pay no costs; otherwise he shall pay all costs incident to the proceedings.

SEC. 4. This act and the act to which it is an amendment shall not operate to avoid any payment bona fide made to an alien enemy or to affect property of any kind bona fide and absolutely transferred or conveyed by any alien enemy to a faithful citizen of the Confederate States prior to the thirtieth day of August, eighteen hundred and sixty-one.

SEC. 5. In cases of partnership property and effects, the resident partner or partners shall be dealt with in all respects as surviving partners in cases of a dissolution of partnership by the death of one or more of the partners, according to the laws of the place of the principal place of business of the partnership; and the receiver shall have the same remedies against such resident partners as the representatives of a deceased partner would be entitled to in like case.

SEC. 6. The following persons shall not be taken to be alien enemies under this act, or the act to which this is an amendment:

First. Persons who now have bona fide become permanent residents of any State of this Confederacy, and are actually residing and domiciled within the same, yielding and acknowledging allegiance thereto, and who have not, during the present war, voluntarily contributed to the cause of the enemy.

Second. All persons born within any State of this Confederacy, or natives of a neutral country, who since the breaking out of the war have abandoned their domiciles and ceased their business in the enemy's country, and all persons aforesaid who have bona fide commenced or attempted to remove themselves and effects from the

enemy's country, and who have been and still are prevented from completing said removal by the force or power of the enemy, or who from physical infirmity are incapable of removing.

Third. All subjects or citizens of neutral countries who cannot be shown to have voluntarily contributed to the cause of the enemy, and all persons who, though citizens of the enemy's country, have abandoned that country on account of their opposition to the war, or sympathy for the people of the Confederate States.

Fourth. All married women natives of any State of this Confederacy who, or whose husbands, shall not be shown to have voluntarily contributed to the cause of the enemy. All persons *non compos mentis*, and all minors whose fathers or mothers were or are natives of this Confederacy and whose property and persons are controlled by guardians resident in the Confederate States and who have not voluntarily contributed to the enemy's cause; and all minors under the age of sixteen years, who were born in any State of this Confederacy or in any State exempted from the operations of this act while their parents were domiciled in such State and who have not taken up arms against the Confederate States.

Fifth. Free persons of color who by the laws of any State have been compelled to remove beyond the limits thereof and are by law prohibited from returning to such State, and who have not in any wise aided the enemy.

SEC. 7. The next of kin in the direct ascending and descending lines of any alien enemy, faithful citizens of any of the Confederate States, or engaged in their military or naval service, shall be entitled to have decreed them (they paying all costs) the property, effects, and credits of such alien enemy as if dead, intestate, leaving no other heirs or distributees, chargeable, however, in their hands, as in case of administration or heirship, with the debts of such alien enemies due to faithful citizens of any Confederate State.

SEC. 8. All sales of property under this act shall be made by the receivers at public auction to the highest bidder and on such terms and such notice of the time and place of sale as the court may prescribe, and shall be duly reported to the court by such receivers at the term next after such sale; but no conveyance of title shall be made to the purchaser of the property until the confirmation of the sale by the court and the payment of the purchase money according to the terms of the sale; and no sale shall be valid until reported to and confirmed by the court; nor shall any sale be confirmed until the terms shall have been complied with; and the court may set aside such sale for fraud, want of proper notice, or any material irregularity, or where it shall appear that the receiver was the purchaser or interested in the purchase, or for substantial inadequacy of price: *Provided, however*, That sales of personality may be reported to and confirmed by the judge in vacation.

SEC. 9. The court may, in its discretion, when special circumstances exist which temporarily depress the value of the property, delay the order of sale, or may direct the receiver to examine and report whether it would be expedient to make an immediate sale of such property, and on such report, or other satisfactory evidence, showing that a delay in the sale would tend to secure a fairer price, may order such sale to be delayed, and in all such cases the court may, in the case of real estate, or of a plantation and slaves, order the receiver to lease the same on such terms as the court may prescribe.

SEC. 10. In cases where an alien enemy may have contracted in writing, before the twenty-first day of May, eighteen hundred and sixty-one, to sell real estate to a citizen or citizens of this Confederacy, and to make title upon payment of the purchase money, the court, in decreeing sequestration of the said purchase money or the residue thereof unpaid, shall further decree that the receiver of the district in which said real estate is situate, shall, upon payment of said purchase money, or the residue thereof, as aforesaid, make title for such real estate to the purchaser or his assignee.

SEC. 11. The court shall audit and pass on the accounts of the receiver as provided in this act, and the one to which this is an amendment; but in lieu of the compensation and allowances therein provided for, shall allow such compensation as shall to it seem reasonable and just, following, in this respect, so far as may be applicable, the analogies furnished by the laws of the State in which the court is held concerning compensation to executors, administrators, and trustees; and the court shall further allow to the receiver all proper expenses attending the execution of his office. And all fees and allowances passed by the court in favor of any receiver may be retained by him from any money in his hands; and all fees and allowances to any receiver beyond the rate of $5,000 per annum, except for expenses as aforesaid, shall be forthwith paid by him into the Confederate Treasury, to the use of the Confederate States, and shall be brought into and stated and accounted for in his next account of settlement as receiver.

SEC. 12. The court shall appoint an attorney for each section in which the court shall be holden, and in which no attorney of the Confederate States resides, whose duties it shall be to discharge, within said section, the duties imposed on the attorney of the district by the act to which this is amendatory; and the compensation of such attorney so appointed shall be the same for business by him done as is now provided by ninth section of said act for the district attorney.

SEC. 13. The receiver shall, in all cases, take the possession and control of the money, property, and the effects of alien enemies, and of such choses in action as shall be in the hands of any agent or third person, except when otherwise provided by this act, and, on being refused possession, shall sue for the same, and such possession shall not be withheld on any pretext of any provisions of the act to which this is amendatory. The court may order a delay in the sale of property when it shall be necessary to complete or gather a growing crop, or when it shall be otherwise manifestly to the benefit of the Confederate States to delay the sale; but in all such cases the possession, control, and management shall be with the receiver, or under his control and authority. And in the collection of debts or choses in action no State stay law shall govern, but the same shall be governed by this act, and the one to which this is an amendment, so far as the latter does not conflict with this act.

SEC. 14. It shall be the duty of all persons owing debts to alien enemies, within three months from the passage of this act, to give information thereof to the receiver of the district in which he or they reside, and in case of corporations or joint-stock companies, to the receiver of the district in which the principal office of business of such corporation or company may be; and such information shall be in writing and sworn to by the debtor, and in case of corporations or joint stock companies, by the principal officer of such corporation or company, before any judge of a court of record, justice of the

peace, notary public, commissioner of the court or receiver under the act to which this is an amendment, and shall set forth the name or names of the creditor or owner of such debt, the amount he owes or owed on the thirtieth day of August, eighteen hundred and sixty-one, and whether the same is, or has been, secured by mortgage or otherwise; and the information or confession so made shall be filed by the receiver in the proper court of the Confederate States, and such court shall, on such information, proceed to decree sequestration and payment of the debt or debts so confessed; and in case any debtor shall, in good faith, confess his indebtedness as aforesaid, but shall be unable to state the true amount of his indebtedness, or shall be in doubt whether the creditor or owner of the debt is an alien enemy, the court shall proceed to ascertain the character of the creditor or owner, and the true amount of such indebtedness, and to that end shall direct such proceedings as shall be adapted to the nature of the case, and decree according to the facts found. And in all proceedings against persons for debts due by them to alien enemies, the debtor shall be allowed to make any defense, in law or equity, which he might or could have made in a suit brought against him by the creditor to whom such debt was due: *Provided, however*, That no execution shall issue on such decree, except for the interest which shall accrue on the same at the end of each year, until twelve months after peace shall be declared between the Confederate States and the United States, or until otherwise directed by law: *And provided, moreover*, That execution may issue for the costs of the proceeding, and the sum so collected for costs shall be deducted from the principal sum due.

SEC. 15. The receivers appointed under this act, or the act to which this is an amendment, shall proceed diligently to ascertain and collect the debts due to alien enemies by persons residing in the districts for which they are severally appointed, and shall, on the discovery of any such debts, and after the expiration of three months from the passage of this act, and the debtor shall have failed to give information of such debt, proceed to institute proceedings to sequestrate the same, and in such proceeding, which shall be by petition, as prescribed by said act to which this is an amendment, and shall be to sequestrate the debt, as well as to ascertain the sum due by the debtor, such debtor shall be made defendant or respondent, as the case may be, and the process to bring such debtor before the court, or to compel an answer, shall be in the nature of a writ of garnishment, as prescribed in said act, which shall be served on such debtor; and in case of corporations and joint-stock companies, on some member or officer of such corporation or company; and shall require the defendant to answer on oath whether he is indebted to any alien enemy, or was so indebted on the thirtieth day of August, eighteen hundred and sixty-one, in what sum, and whether he knows of any other person or persons so indebted, and, on the disclosure by the defendant of such indebtedness by other persons, like proceedings shall be had as in the original cause; and in case the defendant shall suggest in his answer that the debt due by him or her is claimed or owned by any person not an alien enemy, setting forth the name of such claimant, his place of abode, citation shall issue to such claimant to appear and propound his claim on oath at the succeeding term of the court; and in case he is absent from the district in which the court is held, or cannot be found, publication shall be made for the space of one month in some newspaper best calculated to apprise such claimant to appear

and propound his claim; and if such claimant shall fail to appear his claim shall be barred. On the appearance of the claimant the court shall direct an issue to try the same, and shall award the costs against the claimant if the claim be unfounded: *Provided*, That the entire answer shall be considered by the court.

SEC. 16. All proceedings now pending under the act to which this act is an amendment shall be made to conform to the proceedings directed in this act, so far as practicable, and the judgment rendered therein shall be given in all respects and have the same operation and effect as judgments rendered under the fourteenth section of this act.

SEC. 17. In all proceedings against debtors who fail or refuse to give information of their indebtedness within the time prescribed in this act and the debtor shall be brought before the court by process, the costs of the proceedings shall be adjudged against such debtor, in case he is found to be indebted to any alien enemy; and if it shall appear to the court, on the trial of any cause against such recusant debtor, that he has wrongly and willfully refused or failed to give information of his indebtedness, or to state the true amount thereof, with intent to hinder, evade, or delay the execution of this act, or the act to which this is an amendment, or the jury, in any cause or issue tried by them, shall certify that such debtor has willfully failed or refused to give information of his indebtedness, or the true amount thereof, with the intent aforesaid, the court shall award execution against such debtor on the decree or judgment for the whole amount of the debt and the interest due thereon, together with the costs; in all other cases, however, execution shall be stayed until the peace aforesaid, except for interest which shall accrue.

SEC. 18. In cases where proceedings shall be instituted to sequestrate judgments or decrees already rendered, or of claims or debts upon which actions or suits may be pending, the court may, after the decree of sequestration, allow the receiver to prosecute such suit, action, decree, or judgment in the name of the Confederate States of America; and in cases of suits or actions pending or decrees or judgments rendered in the State courts where, by the laws of such State, it may be admissible, such receiver may introduce the Confederate States of America in the proceedings as a party to prosecute such suit or action or enforce such decree or judgment; but in such cases execution shall issue for costs and interest only until further provided by law, or twelve months after the conclusion of peace as aforesaid.

SEC. 19. Attorneys, agents, or trustees of any alien enemy having claims for fees or commission on the fund or assets in their hands shall, on delivery of such fund or assets to the receiver, make out their accounts for such claims or commissions, and the court shall consider and allow the same, if just and reasonable, to be paid out of such funds or assets; and where counsel are already engaged in prosecuting such pending suits or actions, the receiver shall be authorized to allow them to continue to prosecute such suits or actions for the Confederate States of America.

SEC. 20. The rate of interest to be paid by debtors shall be regulated by the contract, if by the terms thereof the rate of interest shall be fixed, and if no interest shall be fixed by the contract, then the rate shall be according to the law of the place where the debt is to be paid or the contract performed; and the judgment or decree shall bear the same rate of interest fixed by law or the contract, and the same shall be punctually paid at the end of each year, or execution shall issue for the same.

SEC. 21. In no case shall the judgment or decree be a lien on the property of the debtor; but where the court shall award execution under this act the property of the debtor shall be bound from the delivery of the writ.

SEC. 22. The court, or judge in vacation, shall have power to award execution on any judgment or decree, in addition to the cases of recusant debtors, where the receiver shall make oath that the debtor is fraudulently concealing or disposing of his effects, with intent to evade the judgment, or is about to remove his effects beyond the jurisdiction of the court, but such execution shall be discharged on the defendant's giving security, to the satisfaction of the court, for the performance or payment of the decree.

SEC. 23. In proceedings under this act and the act of which it is amendatory, upon affidavit being made by the attorney representing the Confederate States or the proper receiver, that the name of an alien enemy is wholly or partly unknown to him, or that the names of the members of a partnership of alien enemies are unknown to him, the process and proceedings may be against such partnership by the firm name thereof, stated in such affidavit, or against such alien enemy whose name is wholly or partly unknown, by such name or proper description as may be known and set forth in such affidavit: *Provided*, That the court may, at any time, on motion, cause the full and proper name to be inserted in the record and used in the proceedings when the same become known to the court.

SEC. 24. Receivers shall have authority to administer oaths touching any matter incident to proceedings under this act.

SEC. 25. The sixteenth section of the act to which this is an amendment is hereby repealed.

SEC. 26. All debts due to any alien enemy may be paid in the bonds and Treasury notes of the Confederate States, and the same shall be received in payment for all property sold under this act.

SEC. 27. The fees of all clerks and marshals shall be the same for services under this act, and the act to which this is an amendment, as are allowed for similar services in the courts of the Confederate States, and shall be a charge upon the general fund derived from confiscations, and shall be paid on the order of the court.

SEC. 28. The commissioners authorized by the fourteenth section of the act to which this is an amendment shall appoint a clerk, with a salary of $1,500, to be paid out of the Treasury of the Confederate States; but such salary, as well as the salary of said commissioners, shall be charged to the confiscation fund and be deducted therefrom; and said commissioners shall moreover have power to appoint commissioners to take the examination of witnesses touching the claims which may be propounded before them, or may summon witnesses before them to be examined orally; said commissioners, and the commissioners appointed by them to examine witnesses as aforesaid, shall have power to administer oaths to the witnesses and to issue subpœnas, and witnesses failing to appear shall be subject to like penalties and process as may be prescribed in the courts of the Confederate States against defaulting witnesses: *Provided, however*, That the costs of all proceedings to take testimony shall be paid by the claimant except in cases where the Attorney-General shall apply for leave to take testimony, and the fees of witnesses and commissioners shall be the same as are allowed in the courts of the Confederate States in like cases.

SEC. 29. So much of the act to which this is an amendment as requires the receivers to settle separately the estate of each alien

enemy is repealed, and hereafter each settlement shall embrace all the matters ready for settlement; but the items of the account shall be so specific as to show the sources from which each is derived.

SEC. 30. Where any judgment has been entered up in any of the courts of the Confederate States under the act to which this is an amendment, inconsistent with the provisions and spirit of this act, the same, on motion, shall be set aside or amended in accordance with the terms and provisions of this act.

SEC. 31. The provisions of the act to which this act is an amendment, so far as the same may conflict with this act, are hereby repealed.

Approved February 15, 1862.

AN ACT for the relief of the State of Missouri.

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury is hereby directed to issue to the State of Missouri, upon the application of the fund commissioners for said State, $1,000,000 in Treasury notes, upon the condition that the said State of Missouri deposit with the Secretary of the Treasury of the Confederate States an equal sum in the bonds of the State of Missouri, authorized to be issued under an act of the Legislature of said State, entitled "An act to provide for the defense of the State of Missouri, and for other purposes," which bonds shall be held by the Secretary of the Treasury until the accounts of the State of Missouri for advances made for military purposes are adjusted as Congress may direct.

SEC. 2. That upon the final adjustment of the accounts of the State of Missouri against the Confederate States the sum hereby advanced shall be deducted from the amount found due to said State.

Approved February 15, 1862.

AN ACT to make appropriations for the expenses of Government in the legislative, executive, and judicial departments, from the eighteenth of February to the first of April, eighteen hundred and sixty-two, and for other purposes.

The Congress of the Confederate States of America do enact, That the following sums be, and the same are hereby, appropriated for the objects hereafter expressed, from the eighteenth of February to the first of April, eighteen hundred and sixty-two.

* * * * * * *

War Department.—For the pay of the officers and privates of the Army, volunteers and militia, in the service of the Confederate States; for quartermasters' supplies of all kinds, transportation, and other necessary expenses, $26,291,502.

For purchase of subsistence stores and commissary property, $4,500,000.

For the ordnance service in all its branches, $2,660,000.

For the engineer service, $65,000.

For surgical and medical supplies of the Army, $120,000.

For contingencies of the Army, $16,000.

For the contingent expenses of the Adjutant and Inspector General's Office, including office furniture, stationery, printed blanks for the use of the Army, postage, telegraphic dispatches, &c., $3,300.

* * * * * * *

Miscellaneous.—For compensation of three commissioners appointed under the fourteenth section of the act of August thirtieth, eighteen hundred and sixty-one, providing for the sequestration of the estates of alien enemies, and for the indemnity of citizens of the Confederate States, $2,220.

For contingent expenses of said commissioners, $500.

For wages of assessors, and for printing, under the act of Congress of August nineteenth, eighteen hundred and sixty-one, providing for a war tax, $125,000.

For salaries of chief collectors of war tax, under the same, $11,033.

For transmission of the funds of the Confederate States, $100,000.

For the purchase of diplomatic books for the use of the Department of State, $1,500.

For the purchase of a year's supply of sugar and molasses for the Army, $1,113,400.

For redemption of Treasury notes issued under the act of May sixteenth, eighteen hundred and sixty-one, and burned or otherwise rendered unfit for circulation by the holders, $30,000.

For pay of warrant and petty officers, seamen, ordinary seamen, landsmen, and boys, and the Engineer's Department of the Navy, as bounty, authorized by act of Congress, approved January sixteenth, eighteen hundred and sixty-two, $100,000.

For bounty of $50 to each non-commissioned officer, musician, and private who may enlist for three years or during war, on the basis that 100,000 men will enlist, the sum of $5,000,000.

For the transportation of the above men from the place of enlistment to the army in the field, $1,000,000.

Approved February 15, 1862.

AN ACT to fix the rank of certain officers.

The Congress of the Confederate States of America do enact, That the rank of commissioned officers of regiments, battalions, squadrons, and companies, who continue in service by re-election in regiments, battalions, squadrons, or companies, organized of troops re-enlisting under the act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army, approved December eleventh, eighteen hundred and sixty-one, and the act supplemental thereto, approved February third, eighteen hundred and sixty-two, or under the act to provide for the recruiting companies now in the service of the Confederate States for twelve months, approved January twenty-ninth, eighteen hundred and sixty-two, shall date from the time of their original election or appointment: *Provided*, Such officers shall be re-elected or appointed to offices of the same grade in the same corps.

Approved February 15, 1862.

AN ACT to provide for an increase of the Quartermaster's and Commissary Departments.

The Congress of the Confederate States of America do enact, That, in addition to the number of quartermasters, assistant quartermasters, commissaries, and assistant commissaries, now allowed by law,

the President shall have authority to appoint as many of said officers as shall, in his discretion, be deemed necessary at permanent posts and depots; said appointments to terminate at the close of the war or sooner if the services of the officer can be advantageously dispensed with: *Provided*, That no quartermaster, assistant quartermaster, commissary or assistant commissary, be authorized to employ a clerk; but the commanding officer of quartermasters, assistant quartermasters, commissaries, or assistant commissaries shall detail from the ranks under his command such person or persons as may be necessary for service in the offices of said quartermasters, assistant quartermasters, commissaries, and assistant commissaries.

Approved February 15, 1862.

AN ACT concerning the pay and allowances due to deceased soldiers.

The Congress of the Confederate States of America do enact, That the pay and allowances due to any deceased volunteer, non-commissioned officer, musician, or private in the Army of the Confederate States, shall be paid to the widow of the deceased, if living; if not, to the children, if any; and in default of widow or children, to the father, if living, and if not, to the mother of such deceased volunteer.

SEC. 2. The pay and allowance due as aforesaid shall be paid by the paymaster or proper officer charged with the payment of the troops to the person or persons entitled to the same, or to his or her authorized agent, attorney, or guardian, upon the pay-roll made out and certified by the captain or commanding officer of the company to which the deceased was attached, which pay-roll the captain or commanding officer as aforesaid shall make out and deliver to the person or persons entitled to such pay and allowance, or to his, her, or their authorized agent, attorney, or guardian, and shall state in such pay-roll the name of the deceased volunteer, the company and regiment to which he was attached, and the date of his enlistment and death; and the paymaster or officer to whom said pay-roll shall be directed shall pay the same according to the tenor thereof, and shall file such pay-roll with the pay-rolls of the Army.

Approved February 15, 1862.

AN ACT to provide for the connection of the railroad from Selma, in Alabama, to Meridian, in Mississippi.

Whereas, the President in his message of the seventeenth of December has expressed the opinion that the completion of the Mississippi and Alabama River Railroad, so as to connect Selma, in Alabama, with Meridian, Miss., is indispensable for the successful prosecution of the war, in which opinion Congress fully concurs: Now, therefore,

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to advance to the president and directors of the Alabama and Mississippi River Railroad Company the sum of $150,000 for the purpose of completing the railroad connection between Selma, in Alabama, and Meridian, in Mississippi, upon such terms and conditions as he may deem best to secure the early completion of said railroad connection and to secure the return of the money so advanced.

Approved February 15, 1862.

SPECIAL ORDERS, No. 38. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 15, 1862.*

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II. All persons employed in the telegraph offices of the Confederate States as operators are hereby exempted from military duty.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

RICHMOND, VA., *February 16, 1862.*

Governor SHORTER,
Montgomery:

I prefer all infantry, but would accept one or two regiments of cavalry.

J. P. BENJAMIN,
Secretary of War.

RICHMOND, VA., *February 16, 1862.*

Governor JOSEPH E. BROWN,
Milledgeville:

Your dispatch received. I will issue no more commissions to raise troops till you have filled the requisition.

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 16, 1862.

Hon. JOSEPH E. BROWN,
Milledgeville, Ga.:

SIR: Your letter of the 4th instant, making certain inquiries respecting re-enlisted troops and the commissions of their officers, has been received. To your several questions I have the honor to make the following replies: First. The company and field officers elected under the provisions of the act granting bounty and furloughs are to be commissioned by the President. Second. Whether the troops originally entered the Confederate service through State authority, or independent of it, they now re-enlist under the provisions of a law of Congress, and the officers must all be commissioned by the President. Third. State troops now in service for a term of six months can re-enlist for two years and six months from and after the expiration of their present term, the officers to be elected and afterward to be commissioned by the President. Fourth. The clause in the Constitution to which you refer applies upon its face only to the militia and not to forces raised by virtue of an act of Congress. The re-enlisted troops are not raised by State authority, but voluntarily enroll themselves under the provisions of a Confederate law. I would enter more into detail in furnishing Your Excellency with my views on this

subject did not the immense pressure of public business make it impossible.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

P. S.—I will add that the officers of the regiments called for from the States under the recent act of Congress are, in my opinion, to be commissioned by the Governor of Georgia, as they are State troops tendered to the Confederate Government. I will further add that I fully reciprocate the desire of Your Excellency that there shall be entire harmony in the action of the two Governments, and I cannot let pass the occasion of expressing my grateful acknowledgments for the uniform courtesy, promptness, and efficiency which you have exhibited in aiding me in my arduous and responsible duties.

J. P. B.

AN ACT to repeal an act therein named.

The Congress of the Confederate States of America do enact, That an act entitled "An act to provide for raising and organizing, in the State of Missouri, additional troops for the Provisional Army of the Confederate States," indorsed, "passed January ninth, eighteen hundred and sixty-two,"* be, and the same is hereby, repealed.

Approved February 17, 1862.

AN ACT to make disposition of negro slaves captured from hostile Indians.

The Congress of the Confederate States of America do enact, That all negroes who are slaves, belonging to hostile Indians who are members or citizens of any one of the tribes of Indians friendly to this Government, and who have been, or may hereafter be, captured by troops or persons in the service of the Confederate States, shall be delivered to the superintendent of Indian affairs west of Arkansas.

SEC. 2. That said superintendent shall carefully inform himself of the persons and tribes to whom each negro belongs, and shall promptly notify the executive or head chief of the proper tribe or tribes to receive the same at some convenient place, and shall deliver said negro or negroes to said executive or head chief of said friendly tribe or tribes as captured property, to be held by said tribe or tribes until such provisions and orders shall be made by this Government as shall seem just and wise, and shall take receipts for the same.

SEC. 3. That the said superintendent shall, at or before the time of such delivery, make out a record, showing the name and age and value of each slave received by him, and shall report the same, and the fact of such delivery, or other disposition of each of said negroes, to the Commissioner of Indian Affairs, together with all the facts of time, place, and circumstances of the capture, and by whom captured; but in no case shall any free negro who is so captured be given up by virtue of this act.

Approved February 17, 1862.

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*See Series I, Vol. LIII, p. 773.

AN ACT to fix the date at which the bounty shall be paid to soldiers enlisting for the war.

The Congress of the Confederate States of America do enact, That the bounty of fifty dollars, allowed by existing laws to soldiers enlisting for the war or re-enlisting for two years or recruited, shall be payable as soon as the volunteer entitled thereto shall have been sworn into the Confederate service, and shall have been pronounced by any surgeon or assistant surgeon of the Confederate States, after inspection, as being fit and able to do military service.

Approved February 17, 1862.

EXECUTIVE DEPARTMENT,
February 17, 1862.

GENTLEMEN OF THE SENATE AND HOUSE OF DELEGATES:

An increase of the forces in the field is imperatively demanded by a proper regard for the public safety, not only of the people of Virginia, but of the Confederacy. The demand is instant and pressing, and it should be met promptly by people of all classes. We are too apathetic—too insensible to the wants and necessities of the times. The force in the field is inadequate, and if we intend to maintain the Government our people have approved and to secure our liberty and independence in the struggle now upon us, promptness, decision, and action are indispensably requisite. I desire to impress upon the minds of our people that no time is to be lost. Now is the day and now is the hour. The difficulty consists in the minds of many in procuring arms for those who are willing and anxious to take the field and risk their lives in defense of the interests and honor of the Commonwealth of Virginia and the Southern Confederacy. To remove this difficulty I propose: First. That the Executive be instructed to purchase such private arms as can be procured and have them repaired and fitted for infantry, cavalry, and rifle service at the earliest practicable moment. Second. That the Executive shall be instructed to have artillery made for field service. Third. That a State force (in addition to the quota called for by the President), to consist of not more than 10,000 men, be raised for State defense and be under the control and direction of the State authorities. Such a force could be well employed in the protection of the loyal people of Western Virginia and, indeed, in all parts of the State. Fourth. I renew the recommendations presented in my message of the 11th instant and respectfully urge immediate action. To secure these important and desirable ends I respectfully recommend an immediate appropriation of $100,000. The Confederate Government has a wide theater upon which to act, and it must look to the interests of all the States. It is peculiarly the province of the Executives and Legislatures of the several States to look after their local interests and to provide for them. Having now discharged my duty, I leave these recommendations for your action.

Respectfully,

JOHN LETCHER.

JACKSON'S RIVER, *February 17, 1862.*

His Excellency Governor LETCHER:

SIR: When in Richmond I had some conversation with you in relation to the extension of the Central Railroad to Covington. All that

is necessary to complete the road to Covington is the delivery of eight miles of railroad iron at this point. The work is ready for the rail, and there is about one mile of iron here. I have written to the Quartermaster-General urging him to take some steps to secure the completion of the road, and stated to him that it would be impossible to maintain an army west of Lewisburg if we had to transport all the supplies from this point. It will be necessary to transport not only supplies for the soldiers, but likewise forage for the horses. The quartermaster at the White Sulphur is now hauling corn from Monroe County, a distance of twenty and thirty miles. The quartermaster at the White Sulphur is now impressing corn, not being able to buy at a reasonable price. I believe that in a month or two all the surplus corn west of the Alleghany Mountains will be consumed. If the railroad was finished to Covington we would save nine miles of the worst road of wagon transportation, and could so improve the road from Covington west as to enable us to supply a large army as far as Meadow Bluff, a distance of forty-five miles from Covington. Covington would also become the point from which the army in Pocahontas would be supplied. The distance from Covington to Huntersville is five miles less than from Millborough, and in addition to saving five miles in distance we avoid crossing one or two high mountains. The Central company have now on hand the iron to lay this nine miles of road, bought for the purpose, but decline to use it for the alleged reason that during the year or at the latter end of the year they may wish to relay a portion of their track east of Covington. It is doubtful whether they will want the iron for this purpose, but would it not be better to complete the road to Covington and use it for the summer campaign, and thus save Western Virginia, if possible; and if at the end of the year the eastern part of the Central road needed repairing and the iron could not be gotten elsewhere, to take up the nine miles west of Covington? I hope you will bring this subject to the attention of the Secretary of War. If it is proposed to build the road to Covington it should be done at once. In a month or two all the rolling-stock of the Central road will be required for movement of troops and supplies, and they will not then be able to transport the iron.

Yours, truly,

JAMES G. PAXTON,
Captain and Assistant Quartermaster.

[First indorsement.]

EXECUTIVE DEPARTMENT OF VIRGINIA,
February 19, 1862.

This letter is earnestly commended to the attention of the Honorable Secretary of War.

By order of the Governor:

S. BASSETT FRENCH,
Aide-de-Camp.

[Second indorsement.]

Colonel Myers for prompt attention.

J. P. B.

[Third indorsement.]

Some time since I had an interview with the president of the Virginia Central Railroad, and urged strenuously the completion of the

railroad from Jackson's River to Covington. The president is very desirous to do the work, but says the iron he has on hand is necessary for the repairs of his road now in active operation. If the iron which has been delivered to the Winchester and Potomac Railroad is taken to extend the Central road a great public interest will be subserved. The importance of the operations in Western Virginia demand that this should be done.

Respectfully, &c.,

A. C. MYERS,
Quartermaster-General.

[FEBRUARY 18, 1862.—For Davis to Avery, in relation to resolutions of the North Carolina convention, &c., see Series I, Vol. IX, p. 435.]

[FEBRUARY 19, 1862.—For Harris to Davis, announcing that he has ordered out every armed man in Tennessee, see Series I, Vol. LII, Part II, p. 276.]

[FEBRUARY 20, 1862.—For Chesnut to Benjamin, reporting number of South Carolina troops in Confederate service, see Series I, Vol. VI, p. 404.]

RICHMOND, VA., *February 22, 1862.*

HON. J. P. BENJAMIN,
Secretary of War:

SIR: I have the honor to state there are now many volunteers from Maryland who are desirous of organizing themselves as soon as possible into companies, regiments, and brigades in accordance with a late act of Congress. As the act has not yet been promulgated, I would respectfully request an order may be published making known the provisions of the act authorizing the transfer of Maryland men from companies and regiments they are now in to the First Maryland Regiment, or to such new companies as may be formed, and with such instructions to facilitate the organization as may be deemed necessary. I would also most earnestly request I may be ordered to superintend this organization and to collect the men together as rapidly as possible. My plan is to have them sent to the camp of the First Maryland Regiment, near Manassas, where they can be formed into companies, armed, equipped, and instructed. It may be necessary for me to have authority to visit Richmond occasionally, and perhaps Norfolk, Fredericksburg, Winchester, and other places where Maryland men can be found, and where I wish to establish recruiting rendezvous. There are many things to be done which will require my personal supervision, and cannot be accomplished as effectually by deputy. I would respectfully suggest a rendezvous be established at some point on the line of the Potomac, to which might be drawn some of the best material from Maryland, who could come with their own arms. If compatible with the public interest I would further suggest the Maryland troops be stationed at some point on the Potomac, and I firmly believe as soon as this is known in Maryland numbers of young men would come over, bringing extra arms and other necessary articles which at this time

cannot conveniently be had; and be assured that my sole object and solicitude in this matter is, in every way within my power and energy, to render more effectual the Maryland service to the interest and welfare of the Confederate States.

I am, sir, with great respect, your obedient servant,

GEO. H. STEUART,
Colonel First Maryland Regiment.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 22, 1862.

Capt. A. L. RIVES,
Acting Chief Engineer Bureau, Present:

SIR: A law having recently been passed by Congress appropriating $1,000,000 for connecting the Richmond and Danville and the North Carolina Central Railroads, surveys of exploration under the direction of the Engineer Department, C. S. Army, are hereby authorized and ordered with the view of determining promptly the most satisfactory connection. An officer of the Engineer Corps, Provisional Army, C. S., will conduct them, and is authorized to secure such assistance, equipage, &c., as may be required. He will examine instrumentally two leading routes with sufficient detail to enable the President to select advisedly, the more minute surveys necessary to a final location being postponed until such selection is made. One of these routes is from Danville to Greensborough direct; the other from Barksdale Station, Richmond and Danville Railroad, to a point on the North Carolina Central not far from the Company's Shops, near Graham.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, February 22, 1862.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: In my communication to you of the 11th instant I desired an answer to a portion of it in reference to the organization and necessary expenses of the camps of instruction therein mentioned, and said the adjutant-general of this State would proceed to Richmond and arrange the details in writing with such officer of the Confederate States as you might designate. I am still without this answer, and desire that it may be furnished to me at your earliest convenience.

Very respectfully, yours,

HENRY T. CLARK.

RICHMOND, VA., *February 23, 1862.*

Col. A. J. PICKENS,
Atlanta:

If Governor Brown tenders your cavalry regiment, provided it is for the war, I will receive it as part of the quota called for from the State.

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 24, 1862.

Governor JOHN GILL SHORTER,
Montgomery, Ala.:

SIR: I have the honor to acknowledge the receipt of your letter of the 13th instant and submit the following reply: First. Under the recent act of Congress troops can be enlisted singly into the Confederate service, as well as by companies, battalions, or regiments. Second. Your Excellency is fully authorized to take such measures as you deem proper for carrying out the purpose of the law. No interference will be met with from the Confederate authorities. We are satisfied to accept the troops after you have organized them. You are also hereby authorized by yourself and officers to enlist the men. Third. By the present law the troops are to be subsisted as fast as they are enlisted by the Confederate Government. Fourth. Confederate officers will be stationed at the camp you designate to subsist the men and pay them bounty as fast as enlisted. Fifth. The Government furnishes blankets, shoes, and underclothing, and can furnish all the summer and fall clothing. If the State will co-operate with this, however, its assistance will be very welcome. I beg you to excuse some delay in my reply, but the business in my office is so pressing I cannot be very punctual.

Very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 24, 1862.

Governor JOSEPH E. BROWN,
Milledgeville, Ga.:

SIR: Your favor of the 14th instant is received, and I cannot too warmly express my acknowledgments for your prompt and cordial co-operation in our effort at defense. I think two regiments of cavalry will be all that we can accept from your State in proportion to the number of infantry called for. I will, of course, accept any reasonable number of cavalry regiments above your quota, but of the number called for I would not be able to accept more than two regiments. Cavalry will be armed with carbines or double-barreled shotguns and sabers, or we will take lancers and provide the lance. We have no pistols, but would pay for any that the men can arm themselves with at fair prices. The batteries for the artillery can be promptly furnished. Two companies are all that I can receive from your State at present, as the rivalry for that arm is very great.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

MILLEDGEVILLE, *February 24, 1862.*

Hon. J. P. BENJAMIN:

Please hasten forward your staff officers to the three camps, with tents, cooking utensils, and all necessary supplies. I cannot order in the troops till these things are prepared. Will you receive as much as two regiments of cavalry?

JOS. E. BROWN.

WAR DEPARTMENT,
Richmond, Va., February 24, 1862.

His Excellency THOMAS O. MOORE,
New Orleans, La.:

SIR: I must apologize to you for my delay in replying to your letter of the 31st ultimo; but amid the immense pressure of business on this Department such omissions are sometimes unavoidable. I can now only inform you that before the receipt of your letter arrangements had been made for all the arms of the Confederate Government in the West Indies.

Respectfully,

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, February 24, 1862.

Governor H. T. CLARK,
Raleigh, N. C.:

SIR: In reply to your favor of the 11th instant, which it has been impossible to answer at an earlier date, I beg to assure you that you correctly understood my former letter, and that this Government will bear all the expenses of the camps of instruction. I shall be ready at any moment to give such written stipulations to your adjutant-general as you may deem desirable on this subject.

I am, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, February 24, 1862.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va.:

SIR: A few days since I inquired of you if you could furnish guns and equipments for an artillery company (Captain Lloyd). I will add that a number of artillery companies have offered themselves to me, but having no armament for them, and not knowing to what extent you were prepared to furnish them, I was unable to receive them. Several have informed me that they were acting under your permission, and in two instances that you had promised to receive a battalion. Not knowing whether you preferred battalions or companies, or whether they would probably be used as battalions and kept together as such, I have not as yet undertaken to organize them. But a main item of consideration, and worth some attention, is the means of officering these battalions, or even companies. The young gentlemen getting them up are worthy, clever young men, but of no military experience or education.

By the laws of our State I can appoint a captain and lieutenant to get up a company; but when a battalion is organized they must elect their own officers, unless you can appoint for them; and a colonel, lieutenant-colonel, or major of battalion should be an officer of some experience. Captain Lloyd, for whose equipment I applied to you, was a captain in our Bethel regiment, and won the especial notice and approbation of his officers for his general good behavior, as well as

his conduct on the day of the battle. Of course, I would be pleased if you could equip all these companies; but supposing you could not, I should like to have some information from you to guide my course. If you will let me know what companies you have engaged to equip, and to what extent, or how many you can or desire to equip or raise, or whether any experienced officers or practical gunners or drill-masters could be furnished—or may not some of these companies or officers of proposed companies been intended for heavy batteries in the forts and batteries? [*sic*]

Very respectfully,

HENRY T. CLARK.

FEBRUARY 25, 1862.

To the SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES:

In obedience to the constitutional provision requiring the President from time to time to give to the Congress information of the state of the Confederacy and recommend to their consideration such measures as he shall judge necessary and expedient, I have to communicate that since my message at the last session of the Provisional Congress events have demonstrated that the Government had attempted more than it had power successfully to achieve. Hence, in the effort to protect by our arms the whole of the territory of the Confederate States, sea-board and inland, we have been so exposed as recently to encounter serious disasters. When the Confederacy was formed the States composing it were, by the peculiar character of their pursuits and a misplaced confidence in their former associates, to a great extent destitute of the means for the prosecution of the war on so gigantic a scale as that which it has attained. The workshops and artisans were mainly to be found in the Northern States, and one of the first duties which devolved upon this Government was to establish the necessary manufactories, and in the meantime to obtain by purchase from abroad, as far as practicable, whatever was required for the public defense. No effort has been spared to effect both these ends; and though the results have not equaled our hopes, it is believed that an impartial judgment will, upon full investigation, award to the various departments of the Government credit for having done all which human power and foresight enabled them to accomplish. The valor and devotion of the people have not only sustained the efforts of the Government but have gone far to supply its deficiencies.

The active state of military preparation among the nations of Europe in April last, the date when our agents first went abroad, interposed unavoidable delays in the procurement of arms, and the want of a navy has greatly impeded our efforts to import military supplies of all sorts. I have hoped for several days to receive official reports in relation to our discomfiture at Roanoke Island and the fall of Fort Donelson. They have not yet reached me, and I am therefore unable to communicate to you such information of those events and the consequences resulting from them as would enable me to make recommendations founded upon the changed conditions which they have produced. Enough is known of the surrender at Roanoke Island to make us feel that it was deeply humiliating, however imperfect may have been the preparations for defense. The hope is still entertained that our reported losses at Fort Donelson have been

greatly exaggerated, inasmuch as I am not only unwilling but unable to believe that a large army of our people have surrendered without a desperate effort to cut their way through investing forces, whatever may have been their numbers, and to endeavor to make a junction with other divisions of the army. But in the absence of that exact information which can only be afforded by official reports it would be premature to pass judgment, and my own is reserved, as I trust yours will be, until that information is received. In the meantime strenuous efforts have been made to throw forward re-enforcements to the armies at the positions threatened, and I cannot doubt that the bitter disappointments we have borne, by nerving the people to still greater exertions, will speedily secure results more accordant with our just expectation and as favorable to our cause as those which marked the earlier periods of the war. The reports of the Secretaries of War and the Navy will exhibit the mass of resources for the conduct of the war which we have been enabled to accumulate notwithstanding the very serious difficulties against which we have contended. They afford the cheering hope that our resources, limited as they were at the beginning of the contest, will during its progress become developed to such an extent as fully to meet our future wants.

The policy of enlistment for short terms, against which I have steadily contended from the commencement of the war, has, in my judgment, contributed in no immaterial degree to the recent reverses which we have suffered, and even now renders it difficult to furnish you an accurate statement of the Army. When the war first broke out many of our people could with difficulty be persuaded that it would be long or serious. It was not deemed possible that anything so insane as a persistent attempt to subjugate these States could be made, still less that the delusion would so far prevail as to give to the war the vast proportions which it has assumed. The people, incredulous of a long war, were naturally averse to long enlistments, and the early legislation of Congress rendered it impracticable to obtain volunteers for a greater period than twelve months. Now that it has become probable that the war will be continued through a series of years, our high-spirited and gallant soldiers, while generally re-enlisting, are, from the fact of having entered the service for a short term, compelled in many instances to go home to make the necessary arrangements for their families during their prolonged absence. The quotas of new regiments for the war, called for from the different States, are in rapid progress of organization. The whole body of new levies and re-enlisted men will probably be ready in the ranks within the next thirty days, but in the meantime it is exceedingly difficult to give an accurate statement of the number of our forces in the field. They may, in general terms, be stated at 400 regiments of infantry, with a proportionate force of cavalry and artillery, the details of which will be shown by the report of the Secretary of War.* I deem it proper to advert to the fact that the process of furloughs and re-enlistment in progress for the last month had so far disorganized and weakened our forces as to impair our ability for successful defense, but I heartily congratulate you that this evil, which I had foreseen and was powerless to prevent, may now be said to be substantially at an end, and that we shall not again during the war be exposed to seeing our strength diminished by this fruitful cause of disaster—short enlistments.

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*See Benjamin to Davis, p. 955.

The people of the Confederate States, being principally engaged in agricultural pursuits, were unprovided at the commencement of hostilities with ships, ship-yards, materials for ship-building, or skilled mechanics and seamen in sufficient numbers to make the prompt creation of a navy a practicable task, even if the required appropriations had been made for the purpose. Notwithstanding our very limited resources, however, the report of the Secretary will exhibit to you a satisfactory progress in preparation, and a certainty of early completion of vessels of a number and class on which we may confidently rely for contesting the vaunted control of the enemy over our waters.

The financial system devised by the wisdom of your predecessors has proved adequate to supplying all the wants of the Government, notwithstanding the unexpected and very large increase of expenditures resulting from the great augmentation in the necessary means of defense. The report of the Secretary of the Treasury will exhibit the gratifying fact that we have no floating debt; that the credit of the Government is unimpaired, and that the total expenditure of the Government for the year has been in round numbers $170,000,000—less than one-third of the sum wasted by the enemy in his vain effort to conquer us; less than the value of a single article of export, the cotton crop, of the year.

The report of the Postmaster-General will show the condition of that Department to be steadily improving, its revenues increasing, and already affording the assurance that it will be self-sustaining at the date required by the Constitution, while affording ample mail facilities for the people.

In the Department of Justice, which includes the Patent Office and public printing, some legislative provisions will be required, which will be specifically stated in the report of the head of that Department. I invite the attention of Congress to the duty of organizing a Supreme Court of the Confederate States, in accordance with the mandate of the Constitution.

I refer you to my message communicated to the Provisional Congress in November last for such further information touching the condition of public affairs as it might be useful to lay before you, the short interval which has since elapsed not having produced any material changes in that condition other than those to which reference has already been made.

In conclusion I cordially welcome Representatives who, recently chosen by the people, are fully imbued with their views and feelings, and can so ably advise me as to the needful provisions for the public service. I assure you of my hearty co-operation in all your efforts for the common welfare of the country.

JEFFERSON DAVIS.

EXECUTIVE DEPARTMENT,
February 25, 1862.

GENTLEMEN OF THE SENATE AND HOUSE OF DELEGATES:

I have received from J. B. Winston, esq., secretary of a railroad convention representing the companies of the district embracing the State of Virginia, the State of Tennessee east of Knoxville, and the State of North Carolina north of Weldon, inclosing resolutions adopted by said convention. The object proposed to be accomplished by these resolutions is in the highest degree important in the present condition

of the country. These roads are indispensably necessary for the transportation of our troops and supplies, and any interruption caused by the destruction of the bridges or portions of the track would operate most prejudicially to the interests of Virginia and the other Confederate States. I recommend the subject to your early consideration. The communication and resolutions are herewith transmitted.

Respectfully,

JOHN LETCHER.

[Inclosure.]

RICHMOND, *February 19, 1862.*

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: In conformity with a resolution of the railroad companies of the district embracing the State of Virginia, the State of Tennessee east of Knoxville, and the State of North Carolina north of Weldon, in convention assembled to-day, I have the honor to communicate to you the following resolutions adopted by said convention:

Resolved as the sense of this convention, That in the present condition of the country it is necessary in order to preserve the efficiency of railroad transportation that military power and authority should be conferred on the presidents of the several railroads to organize and control a force of men not subject to draft to guard and protect the bridges on their roads against open force or secret incendiarism.

Resolved, That the Governor of the State be requested, if he has authority to do so, to detail a force for that purpose from the counties in which said bridges are located; and if he has no such power that he be respectfully requested to ask that such power be granted to him by the Legislature.

Very respectfully,

J. B. WINSTON,
Secretary.

GENERAL ORDERS, No. 8.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, February 26, 1862.

I. The following act of Congress, with regulations of the Secretary of War thereupon, are published for the information of the Army:

AN ACT to authorize and provide for the organization of the Maryland Line.

SECTION 1. *The Congress of the Confederate States of America do enact*, That all native or adopted citizens of the State of Maryland who have heretofore volunteered, are now in, or may hereafter volunteer in the service of the Confederate States, may, at their option, be organized and enrolled into companies, squadrons, battalions, and regiments, and with the First Maryland Regiment, and several companies now in service, into one or more brigades, to be known as the Maryland Line; said organization to be in accordance with existing laws.

Approved February 15, 1862.

II. In accordance with the requirements of the above act all Marylanders now in service in the military organizations other than that of the First Maryland Regiment, will, upon application (proper evidence setting forth the fact that they are native or adopted Marylanders being furnished), be transferred to the First Maryland Regiment; or, where the numbers are sufficient, may be organized into companies, squadrons, battalions, or regiments, which, with the First Maryland Regiment, will be formed into brigades to be known as the Maryland Line.

III. Col. George H. Steuart, now commanding the First Maryland Regiment, is assigned to this duty of organization, re-enlisting for his own regiment, and reorganizing from the material obtained by enlistments and transfers, in accordance with the foregoing law, having command of the whole.

By order of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

[FEBRUARY 26, 1862.—For Moore to Benjamin, offering short term volunteers for re-enforcement of General Beauregard, see Series I, Vol. VI, p. 830.]

AN ACT supplementary to an act entitled "An act to establish the War Department," approved February twenty-first, eighteen hundred and sixty-one.

The Congress of the Confederate States of America do enact, That if any officer of the Army be appointed Secretary of War, and enter upon the duties of that office, he shall not thereby lose his rank in the Army, but only the pay and allowance thereof during the time he is Secretary of War and receiving the salary of that officer.

Approved February 27, 1862.

AN ACT to authorize the suspension of the writ of habeas corpus in certain cases.

The Congress of the Confederate States of America do enact, That during the present invasion of the Confederate States the President shall have power to suspend the privilege of the writ of habeas corpus in such cities, towns, and military districts as shall, in his judgment, be in such danger of attack by the enemy as to require the declaration of martial law for their effective defense.

Approved February 27, 1862.

JOINT RESOLUTION approving the resolution passed by the Legislature of Virginia expressing her determination to vindicate her ancient boundaries.

Resolved by the Senate and House of Representatives of the Confederate States of America, That they heartily approve of the resolution passed by the Legislature of Virginia, expressing her determination to vindicate the integrity of her ancient boundaries, and pledge all the resources of the Confederacy to uphold her determination.

Approved February 27, 1862.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, February 27, 1862.

His Excellency HENRY T. CLARK,
Governor of North Carolina, Raleigh:

SIR: Your favor of the 24th instant is just received. I have the honor to reply that the Department will arm and equip all companies

of light artillery which have been already accepted or authorized, in the order of their muster into service, as fast as the batteries can be furnished; but all our batteries are now pre-engaged for some time to come, so that it is not desirable at present to authorize new companies to be organized except where their batteries can be furnished either by the companies themselves or by the State from which they are raised.

In this latter case the organization of the companies will be left to the State authorities, the companies being then accepted from the State like any other part of its quota for the war. The Confederate law now requires that all companies, battalions, and regiments accepted directly by the Confederate Government shall elect their own officers, and the Department could therefore have no power of appointment in the case of battalions or regiments in any arm of the service. The Department does not, however, in any event, desire the organization of battalions or regiments of artillery. This arm of the service can be employed most advantageously in single companies or distinct batteries, and the organization of several companies together is therefore discouraged generally and permitted only in cases that present strong claims for exception. Your Excellency may accept, however, as many companies of heavy artillery as may be offered. The number of experienced gunners and of persons suitable to command artillery companies is so few that it is very desirable to secure all such everywhere for the artillery service so far as may be practicable. I have the honor to inclose to Your Excellency a copy of the last circular of this Department.

Respectfully,

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, February —, 1862.

The PRESIDENT:

SIR: I have the honor to submit the following report of the condition of this Department and of the operations of the Army so far as officially reported: The latter are so well known to the country that I shall confine myself to the occurrences that have taken place since my official report presented in December last; but the inauguration of the permanent Government seems to render it expedient that some general sketch should be given of the previous history of the Department and of its present condition for the information of those members of the Congress who had no part in the legislation of the past year. On the organization of the Department, twelve months ago, there existed in the six States that then formed the Confederacy no magazine of supplies, no establishments for the manufacture of ordnance, ordnance stores, and small-arms; nothing, in fact, except about ——— small-arms and a very small supply of heavy guns and ammunition in the few scattered arsenals then existing in those States. On the 6th of March a law was passed to establish the permanent or Regular Army of the Confederate States, to be composed of seven regiments, together with two corps—one of engineers and one of artillery. On the same day the President was authorized to call for volunteers for twelve months, to a number not exceeding 100,000.

On the 11th of March appropriations were made for the support of the Regular Army and for a few troops that had been raised by the several States before the formation of the Confederacy, and which were transferred to the Confederacy and constituted what was styled the "Provisional Army." The total amount appropriated for the purchase of arms and munitions of war was about $900,000. No appropriations were made for raising any volunteer forces, except for 2,000 men that it was supposed might be wanted for service in Charleston Harbor, and the Congress adjourned on the 16th of March to meet again on the [second Monday in May], unless sooner called together by the President's proclamation. War, though sometimes spoken of, was considered an improbable event by the large majority of the people, and the Congress by its adjournment manifested its conviction that no immediate hostilities were impending and that no necessity existed for further preparations for the public defense. The records of the Department, however, exhibit the fact that this sense of security was not shared by the Executive. An immediate and active correspondence was at once commenced between my predecessor and officers of skill and experience in the Army of the United States whose citizenship and principles gave assurance that they could not but be faithful to the cause of the Confederacy. The business of the Department was divided into its appropriate bureaus; officers selected for conducting each branch of that business; ordnance, engineering, quartermaster, and commissary officers selected and put to work, and active agents sought for, of sufficient skill, character, and capacity for making purchases of arms and munitions of war with the very limited amount of money placed at the disposal of the Secretary. After various unsuccessful negotiations with different persons the Department was fortunate enough to secure, on the 15th of April, two experienced officers, thoroughly skilled in ordnance duties, of active business habits and unquestionable integrity. These officers were at once dispatched abroad on a general mission for the procurement of arms and munitions of war, with instructions to spare no effort in obtaining all possible information as to every available source of supply both in Great Britain and on the Continent.

Just about this period occurred the bombardment of Fort Sumter, the proclamation of President Lincoln calling for 75,000 men and announcing his intention to blockade our ports, and the proclamation of the Executive of the Confederacy convoking Congress in extra session on the 3d of May.* Hostilities on a large scale were evidently imminent, and on the 6th of May Congress passed an act "recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods." On the 21st of May the first appropriations were made to provide the means for carrying on the war, amounting to about $40,000,000. In the meantime the States of Texas and Arkansas had joined the Confederacy, and the States of Tennessee, North Carolina, and Virginia had taken such preliminary measures as gave entire confidence that their fortunes would soon be united with those of the Confederacy. On the same day that the appropriations were made the removal of the seat of government to Richmond was ordered, and Congress adjourned to meet in this city on the 20th of July. The threatening demonstrations of the enemy on the frontier of Virginia induced the President to order the immediate removal of the different departments to this State, and early in June the Secretary of War was for

*April 29, 1861, is the correct date.

the first time enabled, with adequate appropriations, to commence operations for procuring arms and munitions of war on a scale at all commensurate with the urgent wants of the service and the vast forces to which we were opposed.

During the seven weeks which elapsed between the arrival of the Executive in Richmond and the meeting of Congress, every effort of the Department was directed to the re-enforcement of the armies of Generals Johnston and Beauregard, each confronted on the northern border with greatly superior numbers; but such was the absolute deficiency in supplies, arms, munitions, and means of transportation, and so short was the period for preparation, that the total effective force of the combined armies of our generals on the glorious 21st of July, 1861, was only 28,000 effective men, as shown by the official reports; and so thoroughly exhausted and prostrated was the army by the exertions and fatigue of that desperate struggle as to cause both its distinguished commanders to pronounce pursuit impossible and an aggressive movement totally impracticable. The President of the United States had, in his message addressed to the Congress of that nation prior to the battle of Manassas, avowed the purpose of making conquest of the Confederate States, and had succeeded in obtaining a grant of an army of 500,000 men and $500,000,000. In order to meet these vast preparations for our subjugation the act of the 8th of August, 1861, authorized the President to call for 400,000 volunteers, and on the 21st of the same month an additional appropriation of $57,000,000 was made for the public defense. Soon after the removal of the seat of government, however, the health of my predecessor had become impaired by the incessant labors and responsibilities of his office, and both from this cause and the want of adequate assistance the business of the Department was unavoidably in arrears when he felt compelled to resign his post in September last. The duties of his office were then temporarily performed, at the request of the President, by the undersigned, then the head of another Department, and the double duties of the Attorney-General and Secretary of War remained committed to his charge until the 15th of November, when he was relieved from the duties of Attorney-General and placed permanently in charge of the Department of War.

During this period of about five months the increases in the armies on both sides; the expansion of the area over which hostilities are conducted; the addition to the Confederacy of the States of Kentucky and Missouri while both were actually invaded by the enemy; the defense of the sea-coast, attacked by powerful naval expeditions at almost every assailable point; the desperate efforts of the enemy in putting forth the utmost of his gigantic strength and lavishing all his available resources in the vain hope of our speedy conquest, have combined to throw upon the Department a weight of responsibility and a burden of labor almost beyond human endurance. Even with adequate supplies and instructed officers the task would have been formidable in the extreme. But far different was our condition. We were without the means of manufacturing at home except in such establishments as private enterprise or Government patronage had called into existence since the commencement of the war; we were in many instances without even the raw material for manufacturing the needful supplies. We had no navy to protect our commerce abroad and our enemy steamed without opposition along the waters of our coast. Foreign nations acquiesced in the paper blockade proclaimed by the United States, and such arms and munitions as we could purchase

abroad were introduced in vessels specially bought by the Government for that purpose. We had instructed officers barely sufficient for an army of ten regiments, and forty times that number were in the field. The regiments furnished from the different States were to be organized, their staffs appointed, and their wants supplied, the whole through the agency of citizens selected from civil pursuits and entirely ignorant of the office they were selected to fill. The difficulties presented in the performance of duties so varied and so onerous, with means so inadequate, would have been absolutely insurmountable but for the generous and earnest support and co-operation of the people, who, with unsurpassed devotion, have supplied the deficiencies of the Department. It is but bare justice to add that seldom has a public officer been aided by more earnest, intelligent, and unremitting labor and zeal than have been displayed by the chiefs of the different bureaus of the Department. I now proceed to state with some detail the measures adopted by the Department from time to time for the supply of arms and munitions of war, so far as it is deemed prudent at the present time to make them public. It was in the middle of April, as before remarked, that the agents of the Department were dispatched to Europe with a part of the small appropriations then at the disposal of the Government. They were instructed to purchase 6,000 rifle muskets and 250 tons of gunpowder. The danger of arrest in the United States compelled circuitous travel and delayed their arrival in England till late in May. By the 1st of June a conditional contract was made for the manufacture of 10,000 arms in London. The state of public affairs in Europe had caused the pre-engagement of all manufacturing establishments in the early spring. In the language of the agent, "the markets were swept." Everything could be obtained by purchase except arms and cannon, and of these there were none except some worthless muskets of various caliber and patterns. France, Spain, and Belgium were visited in the vain attempt to purchase arms ready-made, and finally we were reduced to the necessity of contracting with manufacturers for their delivery as fast as they could be made.

The entire deliveries at the various manufactories, amounting altogether to 91,000 stand of arms, will have been completed within the next two months, although but about 15,000 have yet been received within the Confederacy. The purchases necessary for supplying gunpowder, rifle cannon, and military equipments of all kinds were also made abroad, and as most of these could be obtained ready-made they have been received in considerable quantities and as rapidly as they could prudently be imported. Large quantities of medicines, blankets, and equipments of all kinds have reached the Government, and within the last six weeks the Department has received fifty-five tons of gunpowder of its own importation and sixty-five tons imported by private citizens. The total purchases abroad have amounted to more than $2,500,000. Early attempts were also made by the Department to purchase military supplies in Canada, Cuba, and Mexico, both on the seaboard and in the interior, but these markets furnished resources too limited to be of much value. But it was to the development of our own resources at home and to the establishment of arsenals, foundries, powder mills, and workshops that the attention of the Department was more specially directed. Owing to the cessation of foreign commerce it became apparent that the stock of raw material for the manufacture of artillery, small-arms, gunpowder, and military equipments

would soon be exhausted. Contracts were made for extracting the ore from the mine and the saltpeter from the earth, and the temptation of a constant market at remunerating prices soon induced the iron master to rekindle furnaces long abandoned. Independently of contracts for the importation of 2,000 tons of saltpeter from different points, our own citizens have engaged to furnish 1,105 tons, manufactured at home. We are already supplied with sulphur in abundance for working up the whole quantity of saltpeter, and there are powder mills in the Confederacy capable of affording at least ten tons of powder per day if supplied with the raw material. The manufacture of powder recently has been at the rate of three tons per day, and no increase of that quantity will be made until some of the cargoes ordered from abroad are received. The outstanding contracts for iron amount to about 40,000 tons, while those for shot and shell amount to about 27,000 tons, independently of 350,000 projectiles for artillery. Sea-coast and siege guns and mortars to the number of 890 are now under contract, besides all that have been issued, and the number of field pieces delivered from the foundries in the Confederacy has averaged three per diem since the 1st day of August last. More than 500,000 of infantry accouterments have been issued, and contracts for the manufacture of 66,500 muskets and rifles are now in process of execution, besides large numbers of pistols and sabers. The Department is also working three lead mines and is receiving, in addition, under contract, about 20,000 pounds of lead per day. The Government armories at Richmond and Fayetteville are now supplying muskets and rifles at the rate of 1,500 per month, and the supply could be doubled but for the deficiency of skilled labor and the great demand for workmen in private workshops. In presenting this statement of the development of our home resources for the defense of the country it is gratifying to feel the assurance that with the single exception of small-arms, of which the supply is quite too slow for our pressing need in this great war, the Confederate States have, in the brief period which has elapsed since June last, evinced the capacity of providing all that is necessary to the maintenance of their independence.

The supplies of clothing, shoes, tents, and other articles embraced within the scope of the duties of the Quartermaster's Bureau, could not possibly have been furnished in time for the wants of the present winter had not the entire population aided with common accord the efforts of the Government to prevent our brave defenders from suffering for want of needful protection from exposure. It will hereafter be in the power of the Department to furnish all that is required, not only from supplies of blankets, cloth, and shoes already imported from Europe, but from the productions of manufacturing establishments at home. The supplies of wool received from Texas and Mexico have proved sufficient to meet the demand of the woolen factories employed in the service of the Department. A large wagon factory is in full operation, while extensive manufactories of harness, tents, camp and garrison equipage and other quartermaster's stores have been established in Virginia, Georgia, Louisiana, North Carolina, Mississippi, and other States. The expenditures in the Quartermaster's Department from the 3d of April to 31st of December, 1861, are shown by the annexed exhibit from that officer to be nearly $62,000,000, and it will be observed that many hundreds of accounts returned by its officers still remain without examination by reason of deficiency in his clerical force. The Commissary-General has been eminently

successful in providing for the wants of large and constantly increasing armies, posted at great distances from each other over our extensive territory, and while it is admitted that there has been a deficiency in certain articles of the rations, owing to the cessation of foreign commerce, it is undoubtedly true that there has not been since the commencement of the war any deficiency in our supplies of food for the troops; that rations of coffee were regularly served to the soldier in the field long after it had ceased to be attainable to the citizen; that large stores of all that is necessary for the maintenance of our Army for months to come are accumulated in our magazines; and that if adequate transportation can be commanded no apprehension whatever need be entertained of our ability to feed any number of men that we may think proper to keep under arms from our own home resources. The foresight and sagacity, the energy and integrity with which the business of furnishing food to such large numbers of troops over so extensive a country has been conducted are eminently creditable to the chief of the commissariat. It is indeed most satisfactory to be able to give the assurance that while occasional instances of dishonesty and peculation have undoubtedly occurred among the large number of officials whom it has been necessary to employ, with scarce any means of scrutinizing character in advance, the business of the different bureaus has been conducted with a fidelity eminently honorable to our people and in striking contrast with the enormous frauds prevalent among the officials of our enemies and published to the world in their Congressional proceedings.

The Army of the Confederacy is shown by the annexed tabular statement* to amount at present to about 435 regiments, of which about 400 are infantry and the remainder cavalry and artillery. This statement does not include the regiments called for from the different States under the act of the 28th of January, 1862, and now in rapid progress. It is impossible at any given moment to state with entire accuracy the number of regiments in our service, owing to the tardiness of officers in making returns of muster-rolls. Regiments are sometimes in service two or three months before their rolls can be obtained; others are organized on the distant frontiers of Texas and Arkansas, and weeks elapse before the fact can be known in Richmond. Again, by the legislation of Congress in March last the time of service of volunteers was restricted to one year; it was not until May that authority was given to receive troops for the war. As short terms are naturally more attractive, it was at first very difficult to induce volunteers to enlist for a longer term than that previously fixed for their friends and neighbors. The terms of the twelve-months' regiments will expire by degrees within the next six or seven months, and as the process of re-enlistment progresses in armies so widely separated as ours it is impracticable to obtain returns with such punctuality as to be able to state the number of men re-enlisted at any given time. Enough, however, is known by the Department in its payments of bounty to re-enlisted men and in its voluminous correspondence to justify the statement that more than four-fifths of the volunteers for twelve months will re-enlist for the war. Our recent reverses have had the effect of stimulating the re-enlistment in a remarkable degree, and the instances have been by no means rare where our noble defenders have offered to renounce the furlough which enabled them to revisit their

* Not found as an inclosure, but see tabular statement of March 1, 1862, p. 962.

homes on condition of being sent at once to a field where battle was impending. Of the operations of the war it is deemed scarcely necessary to render accounts for the period prior to the report submitted to the Provisional Congress early in December. Since that date adverse fortune has attended our arms. We have suffered reverses at the battle of Fishing Creek, where our army under Major-General Crittenden was repulsed with heavy loss; at Fort Henry, which fell after a gallant defense against greatly superior forces; at Roanoke Island, where our loss was about 2,400, besides the artillery and munitions of war, and at Fort Donelson, where, after a heroic defense against overwhelming forces, the remnant of our army surrendered under circumstances not yet fully understood. Of these several disasters the only official report yet received is that of Fort Henry. From the copy herewith transmitted* it will be seen that Brigadier-General Tilghman, in command of the fort, mounted with eleven guns, was attacked by a fleet of gun-boats carrying fifty-four guns, and maintained his defense with steady courage until the number of guns fit for service was reduced to four and further effort became hopeless. The garrison which surrendered at this fort comprised 8 officers, 50 privates, and some 20 sick.

The defeat at the battle of Fishing Creek was, at the request of Major-General Crittenden, ordered to be made the subject of investigation by a court of inquiry. But the active operations of the opposing armies in Kentucky and Tennessee, the attack on the forts on the Cumberland and Tennessee Rivers, and the movements consequent on the fall of these forts have thus far prevented any report of the proceedings under this order from reaching the Department. Rumors industriously circulated to the prejudice of General Crittenden by the first fugitives from the battle-field are now believed to have been without foundation, and little doubt is entertained that strict inquiry will elicit the fact that if there was misconduct on the battle-field it can be imputed neither to the general, to the surviving chief, nor to his second in command, who died a patriot's death while fighting in the cause of his country and of freedom—the lamented Felix Zollicoffer.

Neither the fall of Roanoke Island nor of Fort Donelson have yet been communicated in official reports to the Department.† It is partially, no doubt, to the active movement of troops rendered necessary by these events that the delay in receiving these reports is to be attributed. Both of the disasters were accompanied by circumstances which in my judgment require the strictest investigation. Yet during the active movements of a campaign it is palpable that the Department is without the machinery necessary for such investigation. How is it possible, while every energy of every officer both in the Department and in the field is bent on the task of repairing these reverses, to detail officers of sufficient rank and in adequate numbers to constitute courts for inquiry into the conduct of general officers? How withdraw from active necessary duty not only the officers of the court but the witnesses? I am of opinion that no defeat, no disaster to our arms should be permitted to pass without rigid and thorough investigation. To make such investigation in all cases is the settled purpose of the Department, but to make that investigation prompt and efficient the aid of Congress is necessary, and the subject is respectfully

*See Series I, Vol. VII, p. 136.

†But see Series I, Vol. IX, pp. 110–190, for reports of Roanoke Island, and Series I, Vol. VII, pp. 254–415, for reports of Fort Donelson.

urged on their consideration. Negotiations with the enemy have recently been in progress with the view of effecting a general exchange of prisoners. They are not yet entirely completed, and to avoid further delay in submitting this report they will be presented in a separate communication.*

The attention of Congress is respectfully invoked to the absolute necessity of an augmentation in the clerical force in the Department. The undersigned and the chiefs of bureaus are compelled to extend their labors beyond reasonable limits; the clerks have been directed to attend at their desks two additional hours in the evening, and yet the details of business have accumulated with such rapidity that the accounts of disbursing officers to the amount of many hundreds remain unsettled, and correspondence is in arrears in all the bureaus. I solicit that there be an increase of twenty clerks, to be divided among the seven bureaus in such proportion as may be found most advantageous by the head of the Department, of whom six should have salaries of $1,500 a year, six at $1,200 a year, and the remainder at $1,000 a year. A glance through the rooms of the War Department will satisfy any observer that this addition is the least that can enable the officers to perform the public business with accuracy and dispatch.

I am, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

Statement of troops in the service of the Confederate States.

State.	For the war.					For twelve months.					Grand total.	Remarks.
	Regiments.	Battalions.	Total. Regiments.	Total. Battalions.	Aggregate.	Regiments.	Battalions.	Total. Regiments.	Total. Battalions.	Aggregate.		
Alabama	17	4	15,000	1,475	16,475	9	5	8,145	1,825	9,970	26,445	One regiment cavalry; two battalions artillery; the balance infantry.
Arkansas	2	2	1,700	820	2,520	21	7	16,340	2,450	18,790	21,310	Three regiments cavalry; three battalions cavalry; the balance infantry.
Indians						4	1	3,300	200	3,500	3,500	All cavalry.
Florida		1		300	300	5	2	4,350	1,000	5,350	5,650	One regiment cavalry and several artillery companies; the balance infantry.
Georgia	24	3	19,680	1,525	21,205	12	5	10,000	2,150	12,150	33,355	Enough companies of cavalry to make one regiment; several companies artillery.
Kentucky	4	1	3,200	200	3,400	5	1	3,950	600	4,550	7,950	One regiment and one battalion cavalry; several companies artillery; balance infantry.
Louisiana	10	8	8,370	3,650	12,020	13	3	10,280	1,250	11,530	23,550	One regiment artillery; one battalion and several independent companies artillery; one regiment cavalry; balance infantry. One of the twelve-months' regiments for local defense; number of men in each company enlisted for the war.

*See Series II, Vol. III, p. 820.

Statement of troops in the service of the Confederate States—Continued.

State.	For the war.					For twelve months.					Grand total.	Remarks.
	Regiments.	Battalions.	Total. Regiments.	Total. Battalions.	Aggregate.	Regiments.	Battalions.	Total. Regiments.	Total. Battalions.	Aggregate.		
Mississippi	8	4	6,910	1,300	8,210	20	3	17,885	1,800	19,685	27,895	One regiment, two battalions cavalry; several independent companies artillery; balance infantry.
Missouri	...	1	.....	.....	200	4	1	2,900	100	3,000	3,200	One regiment cavalry; two companies artillery; balance infantry.
Maryland	1	1	850	250	1,100	...	1	.....	.....	450	1,550	Two companies artillery; balance infantry.
North Carolina	11	1	8,250	200	8,450	29	3	24,200	1,500	25,700	34,150	Two regiments cavalry; two regiments artillery; balance infantry.
South Carolina	6	3	5,250	1,010	6,260	20	3	16,810	905	17,715	23,975	One regiment and two battalions artillery; two battalions cavalry; balance infantry. Two of the twelve-months' regiments and two battalions for local defense, four companies in one regiment enlisted for the war.
Texas	11	2	8,975	610	9,585	8	...	6,635	.....	6,635	16,220	Eleven regiments and two battalions cavalry; several artillery companies; rest infantry.
Tennessee	1	2	850	700	1,550	53	9	43,500	4,000	47,500	49,050	One regiment and eleven battalions cavalry; balance infantry. A number of artillery companies.
Virginia	...	3	.....	.....	1,500	71	9	50,500	3,450	53,950	55,450	Two regiments and three battalions artillery; many independent companies; nine regiments and one battalion cavalry; the balance infantry.
Virginia militia	...	...	.....	.....	.....	...	...	.....	.....	.....	7,000	

RECAPITULATION.

	Regiments.	Battalions.	Total.
For the war	95	36	92,775
For twelve months	274	53	240,475
Total	369	89	333,250
Virginia militia	.....	.....	7,000
Grand total	369	89	340,250

The strength of a majority of the regiments is taken from returns forwarded to this office. Most of the unattached companies are included in the number of battalions. There may be from each State a few companies which have not been included in the above. Where no returns have been received the strength has been ascertained by a careful average. The artillery organized into regiments is mostly heavy artillery. There are known to be a number of regiments from

each State from which no returns have been received, estimated from twenty to twenty-five.

S. COOPER,
Adjutant and Inspector General.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, March 1, 1862.

[MARCH 1, 1862.—For General Orders, No. 9, Adjutant and Inspector General's Office, publishing proclamation of President Davis, extending martial law over the city of Richmond, &c., see Series I, Vol. LI, Part II, p. 482.]

[MARCH 1, 1862.—For Benjamin to Moore, authorizing acceptance of all armed men from Louisiana for a term of six months to re-enforce General Beauregard, see Series I, Vol. VI, p. 837.]

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
March 3, 1862.

His Excellency JEFFERSON DAVIS:

SIR: I have the honor to inform you that the House of Representatives this day adopted the following preamble and resolution, to wit:

The exigency of the times requiring the promptest as well as the most energetic action: Therefore,

Be it resolved by the House of Representatives, That the President of the Confederate States be requested to communicate to this body, at the earliest practicable moment, what additional means, in money, men, arms, and other munitions of war, are, in his judgment, necessary, or may be within the present year, for the public service, including military operations on land and water.

Very respectfully, your obedient servant,
ROBERT E. DIXON,
Clerk.

[Indorsement.]

Secretary of Navy and Secretary of War for attention.

J. D.

RICHMOND, *March 3, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: The act of May 10, 1861, No. 115, authorizes the President to muster into the service of the Confederate States any companies of light artillery with such complement of officers and men as to him shall seem proper. This act applies to light artillery companies only. There are in service many companies of artillery (heavy artillery) that are assigned to permanent batteries, and I would respectfully suggest that some effort should be made to apply the provisions of the above act to these heavy artillery companies, in order that the number of officers and non-commissioned [officers] per company may be increased according to the wants of the service. The organization of these companies is the same as infantry, and some of them are assigned to batteries of from six to nine heavy guns. Each section of two pieces

should be commanded by a lieutenant and each gun should be provided with a sergeant and corporal, so that a company serving a battery of eight guns should have four lieutenants, eight sergeants, and eight corporals; whereas as at present organized the company consists of only three lieutenants, five sergeants, and four corporals.

I have the honor to be, very respectfully, &c.,

S. COOPER,
Adjutant and Inspector General.

ORDNANCE OFFICE,
Memphis, March 3, 1862.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: Requisitions are daily made upon me for pistols for cavalry service in this department, but I can now find none for sale at any point in the Confederacy. Many have been bought up by the infantry (officers and privates), and I respectfully suggest that you disarm the infantry and let the cavalry get the pistols now in the hands of the former. In this way enough pistols could be obtained for all the cavalry in this section and the infantry could get money for an arm that is of no service to them. Colonel Forrest, the most efficient cavalry officer in this department, informs me that the double-barrel shotgun is the best gun with which cavalry can be armed, and that at Fort Donelson one discharge of his shotguns, at close quarters, scattered 400 of the enemy whom three of our regiments had vainly tried to dislodge from the stronghold in a ravine.

Respectfully,

WM. RICHARDSON HUNT,
Ordnance Officer.

EXECUTIVE DEPARTMENT,
March 3, 1862.

GENTLEMEN OF THE SENATE AND HOUSE OF DELEGATES:

I communicate herewith for your consideration two bills which I regard as of the first importance. The passage of the first bill is required to facilitate the enrollment of the militia; the passage of the second is demanded by a proper regard for the public peace and safety. I trust they will meet your approval and will be passed without delay.

Respectfully,

JOHN LETCHER.

[Inclosure No. 1.]

1. *Be it enacted by the General Assembly*, That the eighth section of chapter 29 of the Code of Virginia (edition of 1860) shall be amended and re-enacted so as to read as follows:

SEC. 8. No person shall absent himself from his regiment after the commandant thereof has received an order requiring a draft or detail to be made and of which such person shall have been in any way informed, until such detail or draft shall have been made. Every person so offending who shall be subsequently detailed to march, unless he join the detachment with which he is detailed at its place of rendezvous, or show that he was prevented from so joining by unavoidable cause, shall be considered and treated as a deserter. Every person who shall refuse to give his name to the proper officer when called upon for enrollment

under the act passed February 8, 1862, entitled "An act for ascertaining and enrolling the military forces of the Commonwealth," shall be considered and treated as a deserter.

2. This act shall be in force from its passage.

[Inclosure No. 2.]

1. *Be it enacted by the General Assembly*, That if any free person or persons shall hereafter aid, abet, or assist the enemy in the war now waging between the United States and the Confederate States in person or by enlisting soldiers or seamen or by uniting together in companies or squads, by giving intelligence to the enemy or furnishing them with provisions or other thing, or shall bear arms against this State or the Confederate States, or aid, abet, or assist them in any other manner, such person or persons shall, upon being convicted thereof, be punished with fine and imprisonment, to be ascertained by a jury, so that the fine exceed not $———, nor the imprisonment the duration of the war.

2. If any person within this Commonwealth shall by any word, open deed, or act advisedly and willingly maintain and defend the authority, jurisdiction, or power of the Government of the United States heretofore claimed and exercised within this Commonwealth, or shall attribute any such authority, jurisdiction, or power to the said Government, or shall in like manner maintain and defend any usurped government in this Commonwealth, or attribute any legal existence thereto, the person so offending being legally convicted thereof shall be punished with fine and imprisonment, to be ascertained by a jury, so that the fine exceed not the sum of $———, nor the imprisonment the term of ——— years.

3. Any person who shall advisedly endeavor to excite the people to resist the government of this Commonwealth as by law established, or the Government of the Confederate States, or persuade them to return to a dependence upon the Government of the United States, or who shall take any oath of allegiance to that Government or to any usurped government within this Commonwealth, or who shall maliciously and advisedly excite or raise tumults and disorders in this State, or who shall maliciously and advisedly terrify or discourage the people from enlisting into the service of the Commonwealth, or dispose them to favor the enemy, or who shall organize secret or open associations or unite with or join the same for any of the purposes aforesaid, every person so offending and being thereof legally convicted shall be punished with fine and imprisonment as aforesaid.

4. Any conservator of the peace, either upon his own knowledge or upon affidavits before him, shall cause any person charged with any of the said offenses to be arrested by warrant returnable before any judge of a circuit court or before the judge of the hustings court of the city of Richmond, thereafter to be proceeded with in such court in the mode now prescribed by law in prosecutions for offenses against the Commonwealth.

5. This act shall continue and be in force during the present war and no longer.

EXECUTIVE DEPARTMENT,
March 3, 1862.

GENTLEMEN OF THE SENATE AND HOUSE OF DELEGATES:

After the most careful examination and consideration of the act passed by you on the 10th day of February last, and with the most

cordial disposition to execute it according to its letter and in its spirit, I find that it will be impossible to do so in time to meet the existing emergency. The preliminaries required to be observed in ascertaining the previous contributions made by the various cities, counties, and towns, preparatory to ascertaining the contributions to be made by subsequent drafts, will consume more time than can be (under the pressing circumstances now surrounding us) allowed without prejudice to the interests of the Confederacy and the most serious results to the integrity of this Commonwealth. We must have something more expeditious, something more definite and direct in its results, than your bill promises to effect. It will take weeks, if not months, to place the troops in the field under the requirements of your bill. At this moment troops are imperatively required at Winchester, at Alleghany, at Manassas, at Fredericksburg, on the Peninsula, and at Norfolk, and they must be at those several points with the least possible delay. I am informed by the President that they should be at their posts now, but certainly there by the 15th day of this month. If I am required to conform to the requirements of your bill they cannot be in place before the last of April, if even then. I recommend, therefore, that to meet the demands now pressing so closely upon us you at once pass a law, in the preamble to which you shall appeal to the patriotism of the troops now in the field to remain in their present organized condition, and authorize me to draft at once from the loyal portions of the Commonwealth a number sufficient to fill up the regiments to 1,000 men each. This is the only mode by which troops can be placed in the field at once, and my information leads me to the conclusion that whatever is to be done must be done quickly. The enemy is pressing us upon all sides and must be met promptly, decidedly, determinedly. We cannot spare those now in the field. They have been tried and the results show they can be relied upon. Their patriotism in this crisis of our fate will not be appealed to in vain by the General Assembly. Let them know that the freedom and liberty and independence of Virginia depends upon their remaining in service for two years more or the war, and we shall have a response that will cheer and gladden the patriot's heart and stimulate the despondING and wavering and doubtful to the performance of their duty. The troops are willing to meet the requirements of the occasion if the Legislature will let them know what they are. The section of your late law which relates to substitutes should, in my judgment, be materially modified. It is, I think, liable to produce serious mischief, and for these reasons:

1. We are, under its operations, making up an army of hirelings of whose previous characters, associations, and views respecting this controversy we know nothing, nor is it possible to ascertain anything respecting their loyalty or fidelity.

2. Many of these substitutes represent themselves as from some one of the Confederate States, and instead of being received as substitutes for Virginians they should be at home to render their services to the States from which they profess to hail. It is unjust, therefore, to those States.

3. It is better to rely upon our own citizens to fill the ranks of our army, as our experience so far has shown them to be brave, reliable, and true.

I recommend, therefore, if the system of substitutes is to be continued that it be so modified as to require the party offering the substitute to furnish some man from his own county. In this mode we

will have a reasonable assurance that we will get trustworthy men, such as will preserve the reputation which the Virginia troops have heretofore won in this war. I am opposed to the whole system of substitutes. In a time like this there is a duty to be performed by all classes—the men of wealth not only, but also the poorer classes. Each has a personal duty to perform in driving back the invader from our soil. This personal duty should not be avoided or shunned under any pretense whatsoever, when our country is in as great peril as it now is. Wealth should not be allowed to purchase exemption from exposure on the field, or in the service of the country, or in the camp. Every inducement which can operate upon the poor men of the country to risk themselves in this great struggle for liberty and independence should operate with greatly increased power and influence upon the property holders and men of wealth. These latter classes should set an example to the former and they should be willing to do what the poorer classes are required by necessity to do. I suggest further that promotions after the first election of officers shall be made by seniority; that is to say, that as a vacancy occurs the officers below be promoted to the positions. This recommendation is indorsed by our distinguished and gallant Jackson, of the Stonewall Brigade, who says in a letter dated February 26:

> Please see if you cannot get our Legislature to modify its military bill so as to require vacancies after the first election of officers to be filled by promotion, except in the lowest grade, as in the Confederate service. Do that as far as practicable, that lax discipline, resulting from electioneering for office, may be avoided. We must make our cause superior to every other temporal consideration. The system of every vacancy filled by election is a bad one. We may expect an inefficient set of officers from such a system; and inefficient officers must have inefficient commands; and where our system would result in disaster to our arms the Confederate might result in victory.

These suggestions coming from so high a source are worthy of consideration. Another difficulty in the execution of the bill arises from the fact that I am required to fill up the cavalry regiments by draft, but no provision is made to supply the men so drafted with horses. A large proportion will not have the means to procure horses, and some means must therefore be provided to meet such cases. Your law was passed on the 10th day of February, and on the 11th the adjutant-general, after consultation with me, applied to Adjutant-General Cooper for the necessary orders to the commandants of divisions to enable me to procure the required information as to the number who had re-enlisted and the number who declined to re-enlist for the war, with the places of their residence. A verbal answer was received through a clerk from the War Department to this note. General Richardson again wrote on the 12th, and a reply was received from Colonel Chilton stating that General Cooper would forward the blanks as soon as they were printed, and as soon as printed they were forwarded by special messengers. The orders were not received until last Thursday night after dark. They were mailed that night and messengers with duplicates and all the necessary blank forms left for each division of the army on Saturday morning. Any charge, therefore, of negligence or inattention or indisposition to execute the law that may have been made is utterly unfounded, as the records of the adjutant-general's office and the executive journal sufficiently demonstrate. Another difficulty in the execution of the bill arises from the fact that there is a palpable conflict between it and the Congressional bill. The Congressional bill allows companies to be enlisted from the companies and regiments now in the field; and under its operation

the Secretary of War has authorized numbers of persons to raise companies and battalions to be mustered into the Confederate service direct. I give an illustration of the manner in which this works: A first lieutenant in Captain Deyerle's company, of the Twenty-seventh Virginia Regiment, having received such authority from the Secretary of War, is now enlisting his company from the Twenty-first, Twenty-seventh, Forty-second, and Forty-eighth Virginia Infantry Regiments. If this system is to continue it is plain that our regiments in the service are to be disorganized and destroyed. I give this as one, and a fair one, out of many cases which have been reported to me. Your bill requires me to preserve the organization now in the field by regiments. How is this to be done if parties authorized by the Secretary of War to do so are to be allowed to enlist companies out of regiments who have months yet to serve? In the illustration I have given, the regiments go out of service in the months of May, June, and July, if I am correctly informed. If the companies thus created are to be mustered into service so soon as they are formed, it is easy to perceive that our regiments must be broken up. When I spoke about the difficulty I was informed by the Secretary of War (to whom the bill was submitted before its introduction into the House) that he had then stated to the committee that the two bills were in conflict, and if the Legislature desired him to suspend his policy in this respect he would do so. He stated that a resolution was subsequently introduced condemning his policy, which was voted down by a large majority—all of which was news to me. While the War Department was consulted in regard to these military bills, all of which were considered in secret session, the Executive and the adjutant-general of the State were left in entire ignorance of all that was doing upon so important a subject. Whether this was the result of accident or design I do not pretend to know, nor have I considered it of sufficient importance to prompt an inquiry.

Respectfully,

JOHN LETCHER.

RICHMOND, *March 4, 1862.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In response to the resolution of the House of yesterday, calling on the President to communicate "what additional means in money, men, arms, and munitions of war are in his judgment necessary, or may be within the present year, for the public service, including operations on land and water," I have to reply that the military forces, whether land or naval, which will be required must depend upon the operations of the enemy and upon contingencies which cannot be foreseen. Taking our present condition as the basis of the calculation, it may be stated in general terms that our land forces should be increased by the addition of, say, 300,000 men in the field and those for whom call has already been made; that the Navy should be increased by a number of vessels suited to river and harbor defense, say fifty iron-clad propellers, and a fleet of, say, ten of the most formidable war vessels to protect our commerce upon the high seas, with the requisite armaments and crews. For this additional force, land and naval, there would be required, say, 750,000 small-arms of all kinds, and of siege, and field, and sea-coast artillery, say, 5,000 guns; of powder, say, 5,000 tons in addition to that which can be made within the limits of the Confederacy. The manufacture of

projectiles could, it is believed, be carried to the requisite extent in our own foundries, at a cost which must be measured by the number of guns actively employed. For further details I refer to the accompanying reports of the Secretaries of War and Navy.* The amount of money which will be required will depend upon the extent to which the articles needed may be obtained, and as I cannot hope to get more than a small part of that which a reply to the resolution required me to enumerate, I have not attempted to convert the articles into their probable money value. Estimates have been prepared and will be laid before the Congress showing the appropriations which it is deemed proper to ask, in view of the public wants and the possibility to supply them, as well as of the condition of the finances of the Confederate States.

JEFFERSON DAVIS.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, March 4, 1862.

The PRESIDENT:

SIR: I have the honor to acknowledge receipt from you of a resolution passed by Congress requesting the President to communicate at the earliest practicable moment "what additional means in money, men, arms, and munitions of war are in his judgment necessary, or may be within the present year, for the public service, including operations on land and water." I am not at all sure that I understand the meaning of this inquiry. In order to conduct the war with the vigor and success required for the attainment of an early peace, or even for the prompt expulsion of the enemy from our soil, it would be both necessary and desirable to have in the field an additional army of 350,000 men. This would involve the necessity for at least 500,000 additional stand of small-arms, over 1,000 pieces of field artillery, with a due quantity of projectiles, 2,000 tons of powder, and an appropriation of at least $200,000,000 in addition to the regular estimates. As all this is evidently beyond our reach, I suppose the inquiry must be directed to the ascertainment of what practicable assistance Congress can render the Executive in the conduct of the war. If I am right in this conclusion, then I respectfully answer that the great deficiency under which we suffer is the want of small-arms and powder. If by any means which Congress in its wisdom can devise the Department could procure 200,000 muskets or rifles, 20,000 pistols, 500 Blakely guns, and 1,000 tons of powder, I am convinced a brilliant and successful campaign would crown our arms. The existing legislation would suffice as regards men. The amount of money would depend on the additional number of arms obtained. In a word, what we need is the "material" of war. My report just submitted shows what has been done by the Department in order to secure arms and munitions. If there be other means of procuring them, or other sources of supply that have escaped the Department, all additions that Congress can make to the number of our small-arms, field pieces, and ammunition would be, in the language of the inquiry, "necessary for the public service in military operations on land."

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

* Report of the Secretary of the Navy not found with War Department records.

[MARCH 4, 1862.—For Davis to J. E. Johnston, in relation to leaves of absence or furloughs, &c., see Series I, Vol. V, p. 1089.]

[MARCH 4, 1862.—For Shorter to Benjamin, in relation to the organization of twelve new regiments, &c., see Series I, Vol. LII, Part II, p. 281.]

SPECIAL ORDERS, No. 51. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 5, 1862.*

* * * * * * *

V. The regulations concerning substitutes in the Army, dated October 20, 1861, are hereby revoked.

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XIII. All persons actually employed in the telegraph offices for the service of the Confederate States are hereby exempted from military duty.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 6, 1862.

The PRESIDENT:

In response to the resolution of the House of Representatives of the 4th instant, requesting the President "to communicate to the House in secret session, from accurate returns which he will cause to be made, the total number of soldiers, whether infantry, cavalry, or artillery, received into the service of the Confederate States since the commencement of the war, and the total number now in the service; also, the total number of muskets and rifles, whether in the possession of the Government or in the possession of the armies in the field and not in the hands of soldiers, and that he be also requested in the meantime to give the House as near an approximation to the said returns as the present information of the War Department will enable him," I have the honor to state—

First. That in my report submitted to Congress on the same day that the foregoing resolution was passed all the information called for in the foregoing resolution was substantially given, so far as it is within the power of the Department to furnish it, except as to number of rifles and muskets.

Second. In relation to the number of muskets and rifles in possession of the Government, I am sorry to say that practically there are none. There are, perhaps, at this moment some 4,000 or 5,000 muskets and rifles in our possession at different points, but their distribution has already been ordered. The arms are given out as fast as received to troops, who are always ready in advance to receive them, so that there is never any reserve on hand beyond 1,000 or 2,000. This reserve varies almost hourly, but I presume the information now given is substantially what the House requires. Three thousand Enfield rifles, received from abroad a few days ago, are now en route for Richmond, to be distributed here to the points most needed.

Third. It is impossible to state what arms "are in possession of the armies in the field and not in the hands of the soldiers." The number varies every morning in every regiment, according to the discharges, furloughs, returns, and enlistments of men during the day.

At this moment especially would it be impracticable even to approximate the number, while men are leaving in large numbers on re-enlistment or furloughs, and others are returning in charge of the recruiting officers, scattered all over the country under the recent recruiting laws.

I am, respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 6, 1862.

Hon. JAMES H. CARSON,
Chairman of the Senate, Virginia:

SIR: I have the honor to respond to the resolution of your committee as follows:

1. That the Confederate Government will gratefully accept the aid of any troops that the State of Virginia will raise on her own account.

2. The relation of any troops so raised would be as follows, viz: They would act independently under the orders of the State in such manner as the State authorities might direct; but if they happened to do duty together with Confederate troops their mutual relations would be governed by the Sixty-second Article of War, as established in the twenty-ninth section of the act of March 6, 1861, No. 52, entitled "An act for the establishment and organization of the Army of the Confederate States of America."

I believe all the questions submitted in your resolution are substantially answered above, but if mistaken I will cheerfully and promptly give to the committee any further information in my power.

I am, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 6, 1862.

Hon. WILLIAM PORCHER MILES,
Chairman of Committee on Military Affairs, Congress:

SIR: I have the honor to inclose to you a copy of a letter* just received from the Adjutant-General, to which I respectfully request that you will ask the early attention of the military committee. It is unnecessary, however, further to remark that the act of May 10, 1861, above referred to, has been practically abrogated (in regard to companies in service) by the clause in the act No. 356, in regard to recruiting companies in service for the war, and a similar clause in the act No. 370, in regard to recruiting companies in service for twelve months, by which it is provided that no company shall contain more than 125 men, rank and file. This limitation, however excellent in other arms of the service, is inconvenient when applied to artillery, whether light or heavy. Companies of larger size are

* See Cooper to Benjamin, March 3, p. 964.

frequently desirable to work a complete battery, while on the other hand it may sometimes happen that smaller batteries can be advantageously worked by companies even below the minimum of seventy privates, now required by law in the case of heavy artillery companies. I therefore respectfully recommend the passage of an act by extending the provisions of the act of May 10, 1861, to companies of heavy as well as of light artillery, and that this act be made to include all such companies now in service or hereafter to be raised, anything in the acts Nos. 356 and 370 to the contrary notwithstanding.

Respectfully,

J. P. BENJAMIN,
Secretary of War.

STATE OF SOUTH CAROLINA,
EXECUTIVE COUNCIL CHAMBER,
Columbia, March 6, 1862.

Whereas, the President of the Confederate States has ascertained the military quota of South Carolina for the existing war to be 12,590 men, in addition to the number already furnished, to serve for and during the present war, and has made his requisition upon the Governor for five regiments thereof,

Be it resolved, That in order to comply promptly with this requisition, and for the purpose of filling all subsequent requisitions, the following system shall be, and is hereby, adopted:

I. It shall be the duty of the adjutant and inspector general to cause all the male citizens of the State between the ages of eighteen and forty-five, not now in active service, to be enrolled as soon as may be after the passage of these resolutions, designating all exempts and the cause of such exemptions, including all refugees from districts now in possession of the enemy, and designating such of them as have been in service, and the term and place of such service; and he is hereby authorized, under instructions from the chief of military department, to prescribe such regulations, in addition to those now established, as will enable him promptly and efficiently to perform the duty imposed upon him; and to that end he may require the services of the sheriffs and tax collectors of the several districts and parishes of the State, or such other persons as he may deem necessary, to act in conjunction with the officers of the State militia. In making such enrollment it shall be the duty of the adjutant and inspector general to ascertain and state the time, if any, for which the said militia or any portion thereof shall have been in the service of this State or of the Confederate States.

II. It shall be the duty of every person hereinbefore declared liable to be enrolled to report himself promptly to the officer or officers appointed for that purpose; and if any person shall fail so to report himself within ten days after the notice or order requiring such enrollment shall have been posted or published at some public place within his ward or company district, he shall, unless there be sufficient excuse for such failure, be drafted among the first levies to be drawn from such district or corporations; and if any person or officer shall fail to perform the duty required of him under these resolutions he shall be subject to a fine of not less than $50 nor more than $1,000. The officers or persons enrolling the militia shall be entitled to a compensation of 10 cents for each person enrolled, and the claims for

such compensation shall be paid upon the certificate of the adjutant and inspector general.

III. It shall be the duty of the adjutant and inspector general to procure from the commandants of the several regiments, battalions, and companies of the South Carolina volunteers complete rolls of the several corps now in service, to be returned forthwith to his office, designating the name, residence, and age of each volunteer or enlisted man, the time of his volunteer or enlistment, and when his term of service will expire, with the company and regiment to which he belongs.

IV. At least ten days before the day on which the term of service of each volunteer company now in the field shall expire the adjutant and inspector general shall cause such company to be mustered for re-enlistment by the officer commanding the same, who shall make out an accurate company roll, designating therein the name, age, and residence of each volunteer who shall decline to re-enlist, the time his service will expire, and the company and regiment to which he belongs, and return the same promptly to the office of the adjutant and inspector general of the State, for the purpose of having their names subject to any subsequent call for troops; and when troops now in service for a shorter term than the war are disbanded and returned to the State, they shall, within ten days thereafter, be enrolled in their respective districts or parishes, and be subject to any subsequent call for troops: *Provided*, In case they are drafted within ten days after their return they shall be furloughed upon application being made for thirty days from day of draft.

V. Immediately after the passage of these resolutions the chief of military department shall issue an order requiring the organization of a board of exemptions in each district and parish of the State (except the cities of Charleston and Columbia), to consist of the commanding officers of regiments, and at least two practicing physicians of respectable standing. The Board shall have cognizance of all questions of exemptions, and shall adjudge the sufficiency of the excuse given by any person. In no case shall the Board grant a discharge for bodily infirmity, unless satisfactory evidence is furnished them that the infirmity is of a permanent character, and such as will disqualify the claimant for the discharging of the duties of a soldier. The Board shall keep a record of their proceedings and furnish the officers appointed for the enrollments with any information required, and also send a copy of all exemptions made, with cause of such exemptions, stating name, age, and place of residence, or beat company, to adjutant and inspector general's office. The Board shall meet at some central point in each parish or district, giving public notice thereof, at least two days in each week preceding a conscription for troops. Only exemptions granted by the resolution of the Governor and Council, published herewith, will be recognized by the Board. In the cities of Charleston and Columbia the Board will consist of certain persons hereafter to be designated by the Governor and Council. The compensation of the Board of Exemptions shall be the per diem and mileage allowed by law to members of the General Assembly.

VI. When troops are to be called for the adjutant and inspector general, under instructions, shall apportion the quota of each beat or volunteer company in the State, according to their respective enrollments; and in order that equal justice may be done to all the arms-bearing citizens of the State no requisitions for troops will be filled

by volunteering (except individual volunteers for infantry service until the 20th of March instant), but the same shall be apportioned and a conscription ordered therefor. After the apportionment has been made and a conscription executed the persons subjected to duty shall be assembled at designated camps of rendezvous and be organized into companies, battalions, or regiments under commanding officers to be appointed by the Governor and Council; the regimental staff to be appointed in accordance with the Confederate laws and regulations.

VII. Any person who may volunteer or be drafted for Confederate service may, at any time before his muster into service, furnish an able-bodied man well clothed as his substitute, subject to the usual examination and approval, but the person furnishing such substitute shall be liable to perform ordinary militia and patrol duty. Should the substitute be subsequently drafted, the person furnishing him shall be required to take his place or furnish another substitute on same terms.

VIII. All ordinances, acts, resolutions, and regulations from any authority in this State conflicting with the above provisions are hereby suspended in their operation for and during the existing war.—(Extracts from the minutes of March 6.)

F. J. MOSES, JR.,
Secretary.

RICHMOND, VA., *March 7, 1862.*

Governor J. J. PETTUS,
Jackson, Miss.:

I will accept cavalry companies for the war without arms.

J. P. BENJAMIN,
Secretary of War.

GENERAL ORDERS, No. 6.

STATE OF SOUTH CAROLINA,
ADJT. AND INSP. GENERAL'S OFFICE,
Columbia, March 7, 1862.

To carry into effect with the utmost promptitude the resolutions of the Governor and Council passed March 6, 1862, creating a new military system for this State, it is hereby ordered:

I. That the commandants of the militia regiments of the State convene immediately at some convenient place within the bounds of each regiment, the commanding officers of each company of their respective regiments giving public notice thereof, and proceed on the information before them to enroll for active service all persons resident or remaining within their respective regimental lines, in strict accordance with section I of the new military system herewith printed;* and in order to effect the enrollment properly the sheriffs and tax collectors of each district [and] parish shall attend and render such assistance as may be in their power. Each commanding officer of beat or volunteer company shall give public notice of these orders and resolutions within his respective company limits. The compensation will be paid to the officer or person designated by commanding officer of the regiment making the proper enrollment for this office. Commandants of regiments shall forward promptly to this office full and legible lists

* See resolutions March 6, p. 973.

of enrollments of the persons enrolled by companies, with the designations required, and they are authorized to appoint, if necessary, proper officers to effect a thorough enrollment.

II. All persons liable to militia duty are required without delay to enroll their names with the commanding officer of their respective beat companies; failing in this, the penalty imposed will be strictly enforced. As soon as the enrollment is complete commanding officers of companies will notify all persons enrolled to hold themselves in readiness for conscription for active service.

III. A board of exemptions will be forthwith organized in each district and parish, to consist of the commanding officers of regiments and at least two practicing physicians of respectable standing, to be selected by said officers, and the evidence of infirmity in all cases must rest upon the personal knowledge of one or more members of the Board of Exemptions. The Board will conform its action to the fifth section of the above system. The pay-rolls of the Board will be forwarded to this office for payment.

IV. A conscription will be ordered to fill the requisition of the Secretary of War for five regiments as soon as the enrollments are returned to this office.

V. All officers charged with the execution of the above order will proceed without further notice to the prompt discharge of their duties.

By command:

S. R. GIST,
Adjutant and Inspector General of South Carolina.

EXECUTIVE COUNCIL CHAMBER,
March 7, 1862.

I. *Resolved*, That the following persons shall be exempted from all militia service and from all drafts for actual service: The Governor and members of Executive Council; judges of the courts of law and equity; sheriffs; treasurers of the State; president of the bank of the State, and all persons over the age of sixty-five and under the age of sixteen years: *Provided*, That any person so exempted shall, if he holds any military commission in this State or the Confederate States, be not allowed to plead the exemption.

II. The following persons shall be exempted from ordinary militia duty and from draft for Confederate service, but shall be liable to perform patrol duty and shall be subject as alarm men to be ordered to perform actual service in their respective brigades, to wit: Members of both branches of the General Assembly; secretary of state; surveyor-general; comptroller-general; ordinaries; clerks of the courts of general sessions and common pleas; masters, commissioners, and registers in equity; all regularly officiating clergymen; all regularly licensed practicing physicians; the faculty of the South Carolina college; professors in other incorporated colleges and in theological schools; schoolmasters having under their tuition not less than twenty scholars; all students at schools, academies, and colleges under the age of eighteen; all branch pilots; one white man to each established ferry, toll bridge, and toll grain mill, if actually kept by such white man; the president, cashier, and one teller of the several banks of the State; the officers and men of the city guard of the cities of

Charleston and Columbia; the chiefs and assistants and thirty members of each company of the fire departments of Charleston and Columbia; the necessary officers and all necessary employés of railroad companies; the superintendent and keeper of the lunatic asylum; all persons holding office under the Confederate States; the officers and cadets of the State military academies; the keepers of the arsenals of the State; officers of the ordnance, quartermaster's, and commissary departments of the State, and all persons between the ages of sixteen and eighteen and forty-five and sixty-five, and overseers exempted in accordance with the ordinance of the convention.

III. Aliens shall be exempt from all draft for actual service against a foreign enemy and may plead exemption from all orders requiring them as militia to serve against such an enemy, but in all other respects shall be subject to ordinary militia and patrol duty.—(Extract from the minutes of March 7.)

By order of the Governor and Council:

F. J. MOSES, Jr.,
Secretary.

HOUSTON, TEX., *March 7, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va.:

SIR: Your favor of the 3d of February reached me on the 25th of that month at the city of Austin. On the day following (26th) I issued my proclamation, in accordance with your requisition, for fifteen regiments of troops for the war, a copy of which proclamation I have the honor to inclose. I immediately repaired to Houston, and have been arranging with General Hébert to place the troops at proper points of rendezvous and have them subsisted, &c. I am informed by General Hébert that his department is entirely destitute of means to provide for these camps of instruction. The State is totally unable to make advances. Her treasury is in a lamentably depleted condition, and her people have furnished so much already to the Confederate and State governments on a credit that it is now a very difficult task to obtain supplies on the faith of either. It must be very apparent that to purchase on a credit is anything but a wise policy, as the parties selling invariably charge a much higher price than they would if the money was paid at the time the transaction was made. Under these circumstances I have taken the responsibility of sending on at the expense of the State a special messenger to assure your Department of the immediate necessity of filling the requisition forwarded, that I may be enabled at once to place the troops needed in the field. In this requisition quartermaster's stores and camp equipage, which are very much needed, are not included, and the department here is entirely destitute of them. The troops must and will be furnished. You will not understand me as wishing to delay for a moment the raising of the men. On the contrary, I shall proceed at once to put them in camp and subsist them on a credit until I hear from you. I had the honor of addressing you some time ago in relation to a call made upon me by General Van Dorn. I then informed you of the difficulties surrounding the Executive in keeping up anything like system in furnishing men for the Army so long as parties were permitted to come into the State with commissions to raise troops for the war, or for twelve or six months, as in some instances has been the case, without reporting to the State authorities as to where the men were raised or

to what point they were destined. From the fact that many gentlemen had commissions emanating directly from the authorities at Richmond to raise men for twelve months, and in most instances for cavalry, it has been wholly impossible to fill infantry or cavalry regiments for the war; hence General Hébert has been compelled, in order to get a force at all sufficient to protect his department, to receive men for twelve months. Had he not pursued this course our coast would have been entirely unprotected. Although opposed to the policy of receiving men for twelve months, to leave the State, I urged upon General Hébert the necessity of receiving them for that time for service within the State. I found the Government pursuing that policy not only in other States, but in our own. I have not stopped to inquire whether or not Texas has been called upon to furnish more than her quota of troops, although I am satisfied that we have many more men in the service for twelve months than you give us credit for.

In your letter of 3d [2d] of February you say, "we have 6,635 men." From the best data I can get Texas has Gregg's, Maxey's, Greer's, Young's, Sims', Locke's, Johnson's, Darnell's, McCulloch's, Ford's, Parsons', and Bates' regiments for twelve months, several companies of artillery also for twelve months, and about 1,250 men for six months. The most of these regiments were raised by virtue of commissions issued directly from Richmond, as I have been informed. I also learn that several companies in the First Texas Regiment, now in Virginia, are twelve-months' men. It is also understood that R. H. Taylor, T C. Hawpe, Coupland, Randal, Crawford, Battle, and others have authority to raise regiments—some, if not all of them, for twelve months. I am to-day notified by the adjutant-general that recruiting officers have been sent in for the regiments from Texas now in Virginia, so as to fill those regiments, requiring of me to furnish some 1,500 men for that purpose. In my interview with General Hébert to-day (for we were comparing notes and endeavoring to do everything we can to answer the demands of your Department) he handed me a letter to read, a copy* of which I send you, by which it appears somebody has been authorized to raise five regiments of troops for the war. The letter does not disclose to whom that order was issued. It bears date the same as the requisition made directly on me for fifteen regiments (3d [2d] of February), and this party is ordered to report directly to the Adjutant and Inspector General's Office at Richmond.

Now let us see how this places Texas. On the 3d [2d] of February you call on me for fifteen regiments, saying that is our quota for the war. On the same day somebody is authorized to come into Texas and take five regiments over and above her quota without even informing the State authorities of the facts. Again, on the 12th of February I am asked for about 1,500 men to fill those regiments on the Potomac, making 6,500 men more than by your own calculation we are due the service. Should these requisitions be all filled we would have some 47,000 men in the field, being over 12 instead of 6 per cent. of our white population. I most respectfully demur and protest against the Government taking the men out of the State except by call through the State authorities. I am ready and willing to fill any requisition made upon Texas to her utmost ability. It should be borne in mind that we are isolated from the other States, with an immense gulf coast accessible to the gun-boats of the enemy, an extensive frontier to protect against the savage Indian tribes (for which service we are

* Not found as an inclosure, but see Chilton to Roberts, February 3, p. 907.

now forced by the Government to keep a regiment in the field at our own expense), and General McCulloch with his forces drawn from our northern border, exposing us to an attack by Lane's or Hunter's command. In addition to all this I have seen your order to General Hébert to disband all twelve-months' men immediately, and receive no men into the Confederate service for less than three years or during the war. This would break up almost the entire force the commanding general has in the field. Two of his regiments having already been ordered out of his department, you will readily perceive that if your order is carried out our State will be left almost at the mercy of an invading foe. Should this be done the emergency you mention, under which it would be necessary to call out the people en masse, would have arisen, and it would cost the Government much more to get the men in the field, raw and undisciplined, than it would to retain those in the service now there until we could get a force in for the war, which we will endeavor to do as speedily as possible.

In consideration of these facts I have addressed General Hébert a letter requesting him not to disband the troops until my special messenger can return from Richmond, because I cannot believe for one moment that you intended to strip this department of every shadow of defense, leaving our State entirely to the tender mercy of our vandal foe. Should the order you have given be carried out as understood, there would be left in the entire department not 3,000 men, and they at some three different points. I am satisfied you did not intend to do this, though I shall await your reply with some anxiety. Let me assure you, my dear sir, that it is my purpose and intention to aid the Government in every way possible in furnishing men and means for the war, and to the utmost capacity of the State men shall be furnished. I believe that the cavalry regiments that are in the service have all provided their own arms, and some of the infantry also; consequently our State is very poorly prepared with arms and munitions of war to defend her soil; yet if an equal chance is given us and the vandal wretches ever get into the country we will show the world that the Texan soldiers know how to fight for the right of self-government. I have inflicted on you a long letter, but I found it impossible to say less and at the same time convey to you an idea of the many difficulties which surround me at this time. I trust you will give the matter I have brought before you your immediate attention, and as soon as compatible with the public interest permit my messenger to return.

I have the honor to be, your very obedient servant,

F. R. LUBBOCK.

P. S.—In addition to the above I have just learned that Judge Burford has authority to raise a cavalry regiment, and that Mr. William Fitzhugh is raising another cavalry regiment to be attached to Col. M. T. Johnson's command. As I have said in the body of my letter, I believe this mode of obtaining men is all wrong, and I feel satisfied that if persons are thus permitted to raise troops in our State it will greatly interfere with the raising of the fifteen regiments proposed to be raised in Texas. Be kind enough to inform me whether any of the fifteen regiments are to be cavalry; and if any, what proportion. It would greatly facilitate the speedy raising of troops if the bounty money and transportation could be forwarded at once, which fact I hope you will consider.

F. R. L.

Since closing my letter I am informed by the quartermaster of this district, and it is corroborated by the conversation I have had with the general commanding the department, that the want of funds has rendered his army miserably inefficient; that the three regiments but lately ordered away go without clothing, tents, or proper supplies of transportation, without a dollar to pay their debts, leave with their families, or give themselves a comfort on the way; that officers ordered on recruiting service cannot accomplish their mission, because they have not a dollar to pay their expenses of transportation, and steamboats and stages refuse to give them passage; that the teamsters this day about starting with Colonel Moore's regiment have abandoned their wagons because they will not leave their families destitute, and the Government has no means to pay them; that money to some extent has been borrowed from citizens who have loaned it free of interest, and that has long since been exhausted; that the Government credit is far below par; that the certified accounts for quartermasters for articles purchased for the Government and now in their possession are selling at 50 cents on the dollar, and that the Government credit is so low that immense prices are charged for everything that has to be bought, and if remittances could be made all these inconveniences could be avoided. Let me urge upon you to remedy, if possible, these evils. By doing so you will save large amounts of money and render this military department much more efficient.

Respectfully,

F. R. LUBBOCK.

[Indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
March 27, 1862.

Respectfully returned to the Secretary of War. Since the 10th of October, 1861, there have been remitted to Texas the following sums, viz:

On account of the Quartermaster's Department	$3,158,842.32
On account of the Pay Department	3,350,360.00
On account of the Bounty Department	500,000.00
Total	7,009,202.32

All estimates received from officers of the department have been promptly acted upon and the funds asked for remitted without delay in this office.

A. C. MYERS,
Quartermaster-General.

[Inclosure.]

BY THE GOVERNOR:

PROCLAMATION.

To the PEOPLE OF THE STATE OF TEXAS:

Whereas, on the 30th day of December last you were called upon by General Orders, No. 1, issued from the adjutant-general's office, to hold yourselves in readiness to march at a moment's warning in defense of your lives, liberty, and property, I trust you have heeded the order then given and that you are now prepared to serve your country in this hour of peril and need. I am just in receipt of a requisition from the War Department, by order of the President, for fifteen regiments of troops for the war, being the number that will be required

to supply the quota of the State of Texas. These troops will be mustered into service at convenient camps of instruction, the locality of which will be immediately made known, and will there be clothed, supplied, and armed at the expense of the Confederate States. Each soldier will receive a bounty of $50 when the regiment or company is mustered into service and will be allowed transportation from his home to the place of rendezvous. Those volunteering will report to their respective brigadier-generals, and when full companies are tendered they may at their option organize and elect their officers at their homes or at the rendezvous. In the formation of regiments the men composing the respective regiments will elect their colonel, lieutenant-colonel, and major. Volunteer companies organized under the act of 1858 will be received as a whole. If they fail to volunteer they will be disbanded and enrolled with the State troops.

Men of Texas, will not this call meet with a hearty response from you? Your Government, the Government of your choice, needs your services and makes this call upon you. The spirits of those brave and departed heroes who have shed their blood in your defense cry aloud that you drive the hireling Hessians of a debased and corrupt Government from the soil they have polluted by their unhallowed touch. Your brave men who now stand in the presence of the enemy from the Potomac to Arizona, ready to do and die for your country and their country, call upon you to touch elbows with them in the present important struggle. Those all over the broad land who believe in the inherent right of self-government call upon you to do battle in this war for that great principle. The lovers of liberty in every land call upon you in thunder tones to rally now—aye, even before another moon shall wane—and enroll yourselves on the side of your country and her rights, with the fixed determination that you will be free. Your mothers, daughters, sisters, wives, and little children all appeal to you as you love them, your country, their honor, and your honor to stand as a breast-work between them and "him who comes with lust in his eye, poverty in his purse, and hell in his heart; who comes a robber and murderer," seeking to destroy or subjugate us that they may fall heir to our beautiful and sunny South, and our men, women, and children be reduced to the most abject serfdom.

Texans, the time has come when Texas demands that her sons, native and adopted, must do their duty. He who is unable to take the field in person must assist those who are willing to go. There is no time for delay; your services are required now! I must have reported to the Adjutant-General's Office within thirty days the number of troops required, viz, six companies to fill out the regiment of Colonel Flournoy, three companies to fill out Colonel Garland's regiment, and fourteen regiments for general service. I will not insult the chivalry and military fame of the brave Texans by doubting for a moment that a sufficient number of volunteers will be tendered to meet the present call. Candor, however, prompts me to say that if within the thirty days the required number of men be not reported, I shall proceed under the law to fill up the number by drafting. My countrymen, let not an old Texan, the Executive of your choice, one the most of whose life has been spent with you, one who is proud of his adopted Texas and her people and is deeply sensitive to everything touching her honor and interest, call upon you in vain!

Rally, my brave men, to the standard of your country; our cause is just; God is with us, as is evidenced daily; enter freely the service of your country; meet your enemy whenever and wherever he is to be

found; contest every foot of ground with him, and if needs be we must give way before an overpowering brute force, "let blackness and ruin mark your departing steps, and let a desert more terrible than Sahara welcome the vandals. Let every city be leveled by the flame, and every village be lost in ashes. Let your faithful slaves share your fortune and your crust. Trust wife and children to the sure refuge and protection of God, preferring even for these loved ones the charnel house as a home than loathsome vassalage to a nation already sunk below the contempt of the civilized world. This may be your terrible choice, and determine at once and without dissent as honor and patriotism and duty to God require."

By order of the Governor:

F. R. LUBBOCK,
Governor and Commander-in-Chief.
J. Y. DASHIELL,
Adjutant and Inspector General.

Every paper in the State will please publish for four weeks.

AUSTIN, *February 26, 1862.*

RICHMOND, VA., *March* [*April*] *7, 1862.*

General S. COOPER,
Adjutant and Inspector General:

SIR: I have the honor to report that under the authority of the Honorable Secretary of War, of the 18th of October last, and his printed letter of instructions connected therewith, I have raised five regiments of cavalry in the State of Texas, and the same have been mustered into the C. S. service. The first regiment was organized on the 15th of February, the field, staff, and company rolls of which are herewith returned to your department. The second regiment, commanded by Col. George H. Sweet, was organized on the 10th of March, and herewith I hand you the field and staff rolls of the same, in connection with a letter from Capt. J. K. P. Record, mustering officer, in reference to the company rolls of said regiment. The third regiment, commanded by Col. William Fitzhugh, was also organized on the 10th of March. The field and staff rolls, accompanied by certificate and statement of the organization of each company, and also the letter of the colonel, lieutenant-colonel, and most of the captains of the regiment, are herewith submitted. The fourth regiment, commanded by Col. George F. Moore, was organized on the 15th of March. I have no field and staff rolls of this regiment, inasmuch as the colonel had not completed his staff at the time I left for this city. I know as a fact, however, that the regiment was organized on that day by the election of George F. Moore colonel, Sterling B. Hendricks lieutenant-colonel, and John McClarty major, and that the regiment is composed of ten completely organized companies. In this connection I deem it proper to state that Capt. Thomas J. Johnson, one of the mustering officers of these regiments, will, within a short time, return to your department complete rolls of the companies of the various regiments of this command.

It is my duty also to report that I was induced, somewhat against my inclination, by the appeals and importunities of other organized companies, to agree to accept the fifth regiment. Ten full companies presented themselves through their captains for acceptance, and

were ordered to Clarksville to rendezvous and organize. Capt. J. K. P. Record, a mustering officer, was ordered to meet them there and muster them into the service. I have no doubt they were organized into a regiment on or about the 1st of this month and are now en route for the seat of war. Although I had some hesitation in receiving the fifth regiment, yet in doing so I feel sure that I did not exceed my authority. The men of the command are mostly armed with good double-barreled shotguns. Those not so armed have good common hunting rifles. A large majority are provided with good pistols and nearly all with large knives, well mounted on good, serviceable horses, and equipments which, together with the arms, have been procured without expense to the Government.

I beg leave further to report that I have accepted the services of two extra well-mounted and armed companies to serve as scouts in connection with the command or brigade. They have been received into the service with that understanding, subject, of course, to regimental and brigade orders. My experience satisfies me of the utility of such organization to act as spies and scouts. One of these companies is commanded by Capt. Thomas J. Johnson and the other by Capt. W. H. Gaffey. Both of these officers have had considerable experience on the frontier of Texas, and I think them eminently fitted for that service. Both companies are composed of picked men—arms and horses at their own expense. I most respectfully ask that my action in receiving these two companies may be ratified. I beg leave further to report that the four first-named regiments are now, by order of General A. S. Johnston, on the march to the headquarters of General Bragg, at Corinth. Three of these regiments when last heard from were near Little Rock, Ark., and are probably at or east of the Mississippi River. The fourth and fifth regiments are under marching orders for the same destination, and are now, no doubt, far advanced on the way. It is the wish of the officers that these five regiments compose one brigade.

Respectfully submitted.

M. T. JOHNSON,
Senior Colonel, Commanding.

[Indorsement.]

APRIL 9, 1862.

Respectfully submitted to Secretary of War, and early action requested All the muster-rolls of these regiments have not reached this office. The regiments engaged for twelve months, and armed with private arms (rifles and shotguns).

S. COOPER,
Adjutant and Inspector General.

[MARCH 8, 1862.—For General Orders, No. 11, Adjutant and Inspector General's Office, publishing proclamation of Jefferson Davis, extending martial law over the city of Petersburg, Va., &c., see Series I, Vol. LI, Part II, p. 493.]

HOUSTON, *March 8, 1862.*

Hon. J P. BENJAMIN,
Secretary of War, Richmond:

SIR· This letter will introduce to you Horace Cone, esq., of this city. Mr C[one] is a member of the present Legislature and one of our most

reliable and intelligent citizens. Mr. Cone visits Richmond partly on his own affairs, but more particularly to convey to you the business letter which he will present.* I can say to you that he is in every way worthy of your confidence, and you need feel no hesitation in availing yourself of so favorable an opportunity to transmit funds for this military department. I have conversed freely with Mr. C[one], who is a confidential friend of mine, and he is well posted as to all matters in Texas. Any attention shown him while in Richmond will be duly appreciated by

Yours, very respectfully,

F. R. LUBBOCK,
Governor, &c.

[MARCH 8, 1862.—For Benjamin to Letcher, calling for 40,000 Virginia militia, see Series I, Vol. LI, Part II, p. 495.]

GENERAL ORDERS, No. 12.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, March 10, 1862.

The following order is published for the instruction and guidance of officers of the Army:

I. All officers receiving provisions from officers of the Commissary Department will state on the back of the return the amount of each article of provisions actually received on that return, and commissaries will make out their "abstracts of issues" in accordance with such receipts.

II. Commanding officers whose duty it may be to examine the abstracts of issues of the commissaries of their command will reject all "returns" for issues (made after the promulgation of this order to their respective commands) which do not show the amounts actually issued by the statement of the receiving officer to that effect, certifying that the abstracts are in accordance with the issues actually made.

III. All disbursing officers will comply strictly with the requirements of the regulations of their departments calling for the rendition of their monthly returns five days after the expiration of each month, and of quarter-yearly accounts twenty days after the expiration of each quarter, and where failing within three months after the expiration of the quarter to make the proper returns officers so failing shall then be dropped from the rolls of the Army. The onus of explaining such default to the satisfaction of the President, with the view to restoration, shall in all cases rest entirely upon the party who may be so dropped.

IV. Commissaries and acting commissaries of subsistence of regiments and battalions will, whenever possible, draw provisions on returns according to Forms Nos. 13 and 14 of the Subsistence Regulations. Commissaries who draw stores in bulk can alone make sales to officers.

By order of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

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*See Lubbock to Benjamin, March 7, p. 977.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 10, 1862.

Capt. CALEB HUSE:
(Care of Fraser, Trenholm & Co., Liverpool, England.)

SIR: I have hitherto supposed that Colonel Gorgas, as chief of the Ordnance Bureau, was corresponding with you; but learning that he has not written to you recently, I now take pleasure in assuring you of the full approval of your Government of your conduct in the business intrusted to your charge. The responsibility you have assumed in making purchases of army supplies, not directly authorized by your instructions, is also approved. Your assumption of it under the circumstances was judicious and proper. It has been my aim to keep you fully supplied with funds. I have placed to your credit on—

January 20	$461,600
February 14	300,000
March 7	500,000
In all	1,261,600

or about £250,000.

The cargo of the Gladiator has been received in full. It was necessary to reship it in small steamers, which made three separate voyages from Nassau, and it has all reached port safely. Unfortunately the Stephen Hart has been captured, and her cargo has gone to the benefit of the enemy. We are awaiting news of the Economist with great anxiety, and if she has come directly for one of our ports I fear she will be lost. Prudence requires that all cargoes for the Government be sent to some port in the West Indies, and they ought always to go on steamers. Let them be directed to some port in Cuba, to care of our agent, Mr. Helm, and we can get them away with almost entire certainty by breaking bulk there. I wish also to impress upon you the necessity of as much secrecy as possible in your shipment. As fast as possible give us small-arms and cannon-powder, or saltpeter, small-arms, and powder. These are our great needs, and I pray you to spare no effort to send them with all possible dispatch—to the neglect of everything else if necessary.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 10, 1862.

LOUIS HEYLIGER, Esq.,
Nassau, New Providence:

DEAR SIR: I am gratified at being able to inform you of the safe arrival of the entire cargo of the Gladiator, thus accomplishing successfully the object of your mission. Your conduct throughout merits the warm approval of the Government. Your dispatch by the Cecile was not received till after the departure of that vessel for Nassau, and your letter by her is not yet at hand, so that I can give no answer to its contents; nor did I get your letters by the Kate in time for reply by any communication known to me. Your yielding to the unjust and extortionate demands of Captain Bird was unavoidable, and has resulted most fortunately, as by it we have secured the cargo, which was beyond all price to us. I have arranged with John Fraser & Co.

for the settlement of the responsibilities incurred by you under stress of the exactions of Captain Bird. I am trying to sell the Gladiator, as she will henceforth be a vessel marked by our enemies and too closely watched to make it prudent for us to ship cargo on her. I regret exceedingly not to have your letters by the Cecile, but hope they will come to hand yet in time to permit an answer to accompany this letter. The port at which our cargoes are entered is so out of the way that it takes several weeks for the letters to reach me, and even your dispatches take four or five days, while the steamers unload and leave in two days, thus precluding the possibility of a reply. I am happy to inform you that all our mutual friends are well, and though we have lately been unfortunate in some engagements the spirit of our people rises with the occasion, and I never was more confident than at this moment. The success of our iron-clad steamer the Virginia (late the Merrimac) in destroying three first-class frigates in her first battle, evinces our ability to break for ourselves the much-vaunted blockade, and ere the lapse of ninety days we hope to drive from our waters the whole blockading fleet. In less than that time we shall have several powerful iron-clad steamers of light draft that will be able to sweep from the coast all their so-called gun-boats, which are nothing but merchant vessels armed with a few heavy pieces.

I am, yours, &c.,

J. P. BENJAMIN,
Secretary of War.

A RESOLUTION declaring the sense of Congress in regard to reuniting with the United States.

Whereas, the United States are waging war against the Confederate States, with the avowed purpose of compelling the latter to reunite with them under the same Constitution and Government; and whereas, the waging of war with such an object is in direct opposition to the sound republican maxim that "all government rests upon the consent of the governed," and can only tend to consolidation in the General Government and the consequent destruction of the rights of the States; and whereas, this result being attained the two sections can only exist together in the relation of the oppressor and the oppressed, because of the great preponderance of power in the Northern section, coupled with dissimilarity of interest; and whereas, we, the Representatives of the people of the Confederate States, in Congress assembled, may be presumed to know the sentiments of said people, having just been elected by them: Therefore,

Be it resolved by the Congress of the Confederate States of America, That this Congress do solemnly declare and publish to the world that it is the unalterable determination of the people of the Confederate States, in humble reliance upon Almighty God, to suffer all the calamities of the most protracted war, but that they will never, on any terms, politically affiliate with a people who are guilty of an invasion of their soil and the butchery of their citizens.

Approved March 11, 1862.

RESOLUTION pledging the Government to maintain the territorial integrity of the Confederacy.

Resolved by the Congress of the Confederate States of America, That the honor of this Government imperatively demands that the existing

war be prosecuted until the enemy shall have been expelled from every foot of soil within each and every of the Confederate States; and no proposition of peace shall be entertained which contemplates, however remotely, the relinquishment by this Government of any portion of any of the States of this Confederacy.

Approved March 11, 1862.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, March 11, 1862.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond:

SIR: I have been notified by individuals and by advertisement in the papers that certain persons are authorized to raise battalions and regiments in this State for the Confederate service. The plan will not hasten or facilitate enlistments in this State, and interferes with the formation of our regiments for the Confederate quota. I am not aware what authority is given to these persons, or upon whose sanction they obtain these promised positions, but it is not in accordance with the plan indicated by our law. If permission is given to raise cavalry regiments or battalions, let me respectfully notify you of the fact: Three months ago we tendered Colonel Spruill's regiment of cavalry (Nineteenth) to the Confederacy. They were accepted. After three months' efforts I was unable to obtain arms and equipments for them (from New Orleans to Richmond). We tried in vain to get swords or carbines. This regiment was received by you but partly armed (from necessity). They are yet without sabers, although we spared neither effort nor money. We did engage from the Eastvan & Froelich sword factory at Wilmington, and paid high prices, but three-fourths of the swords proved worthless. If more cavalry is to be received, let me ask that this regiment (Nineteenth North Carolina Volunteers), four or five months in your service without arms, be furnished before others are received. If cavalry is preferred, I can raise you two or more regiments, but I have refused all tender of cavalry companies because I could not equip them. So great is the preference for cavalry that infantry cannot be raised where cavalry can be received. My own opinion about cavalry is that unless they can have six or eight months' drilling, with arms and horses, they are only valuable as scouts or vedettes, and these can be temporarily had in any section.

But to return to the Nineteenth Regiment North Carolina Volunteers. If you can let them have sabers they will be useful. They have been many months in your service without arms, and consequently are almost useless, though drawing pay and rations.

I am, most respectfully, yours,

HENRY T. CLARK.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 12, 1862.

The PRESIDENT:

SIR: I have the honor herewith to submit, in accordance with the resolution of Congress of the 26th ultimo, a "statement* of the establishments now engaged in manufacturing small-arms under contract

*Not found as an inclosure.

with the Government; where located, and the quantity of arms which are furnished per month or week; also the number of powder mills engaged, under contract with the Government, in the manufacture of powder, and the quantity which is furnished from such mills per month or week; also the means now employed in furnishing percussion-caps." In relation to the question "whether the various manufacturing establishments now employed by the Government will be able to furnish an ample supply of arms, powder, and percussion-caps for the use of our Army," I have the honor to report that the establishments for the manufacture of powder and percussion-caps are sufficient for the wants of the Army, but the chief material for the manufacture of powder, to wit, saltpeter, is not sufficiently abundant. The establishments for the manufacture of arms are woefully deficient, and cannot furnish more than one-tenth part of the necessary supply of small-arms. I know of no legislation which could aid the Department in procuring a supply of small-arms. Nearly every mechanic in the Confederacy competent to manufacture small-arms is believed to be engaged in the work. The manufacture of small-arms is a slow and tedious process, and the accumulation of supplies necessary for such an army as we now require is the result of the labor and expenditure of long series of years. When it is considered that the Government of the United States—with all its accumulation of arms for half a century, and all its workshops and arsenals, public and private, and its untrammeled intercourse with foreign nations—has recently been compelled to disband a number of cavalry regiments on account of the difficulty of arming them, and has been driven to the necessity of making purchases of arms in Europe in very large quantities, and of saltpeter by thousands of tons, some faint idea may be formed of the difficulties against which this Department has been and is now struggling in the effort to furnish arms and munitions for our troops.

The difficulty is not in the want of legislation. Laws cannot suddenly convert farmers into gunsmiths. Our people are not artisans, except to a very limited degree. In the very armory here at Richmond the production could be greatly increased if skilled labor could be procured. In the absence of home manufactures no recourse remains but importation, and with our commerce substantially at an end with foreign nations the means of importation are limited. I am unable to perceive in what way we can procure arms by the passage of laws. Saltpeter, however, may, it is believed, be made at home in sufficient quantity for our service, as the process is simple and readily learned, and the deposits in caves abundant enough to last for some years. I submit herewith a bill,* which has been prepared by the Ordnance Bureau, and the adoption of which would probably enable us to augment the supply of saltpeter to an extent which would render any further importation unnecessary.

The reorganization of the Ordnance service in the manner proposed in the annexed bill,† also prepared by the Chief of Ordnance, would probably add to the efficiency of that branch of the service, and thus at least aid in the preservation of our present supply of arms and in maintaining them always in serviceable condition. The supply of iron, which will soon be far short of our wants both for cannon and for the construction of gun-boats, would probably be increased by some scheme of legislation directed to the encouragement

* Not found as an inclosure.

† See inclosure to Gorgas to Benjamin, March 12, p. 990.

of planters in sending slaves from those districts now invaded by the enemy into others, where their labor could be applied to the digging of ore and the furnishing of the fuel necessary for the production of iron.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
March 12, 1862.

The PRESIDENT:

SIR: I have the honor to submit herewith the estimates of the War Department for the term of eight months, from the 1st of April, 1862, to the 1st of December, 1862, in accordance with the resolution of Congress:

First. For the Quartermaster's Department	$195,271,748.00
Second. For the Commissary-General's Department	39,826,415.00
Third. For the Ordnance service in all its branches	15,500,000.00
Fourth. For the Medical Department	3,015,000.00
Fifth. For the Adjutant and Inspector General's Bureau	10,000.00
Sixth. For the Engineer service in all its branches	2,000,000.00
Seventh. For compensation of the Secretary of War and all officers, clerks, messengers, and watchmen in the War Department	80,000.00
Eighth. For incidental and contingent expenses of the Army and of the Department of War	200,000.00
Ninth. For compensation of the Commissioner of Indian Affairs, his chief clerk, and the contingent expenses of his office from the 1st of March, 1862, to the 1st of December, 1862	4,000.00
Tenth. For amount payable to certain Indian tribes under treaty stipulations	371,461.30
Eleventh. For pay of superintendents and agents of Indians and incidental and contingent expenses of these agencies	18,264.28
Total	256,296,888.58

The foregoing is the amount required according to the estimates of the chiefs of bureaus, as herewith submitted, but after careful revision I believe that a considerable reduction may be made. I feel the more confidence in my own judgment of the amount necessary to conduct the business of the Department and the operations of the war from the fact that at a former session a similar reduction was submitted as the result of my own examination of the estimates, and the event justified the reduction then made. It is deemed safe, therefore, to reduce the appropriations as follows, viz:

That for the Quartermaster-General to	$155,000,000
That for the Commissary-General to	29,000,000
That for the Ordnance Bureau to	11,000,000
That for the Medical Bureau to	2,400,000
That for the Engineer service to	1,800,000

On the basis of this reduction the whole amount of appropriation required for this Department for the eight months would be $199,883,725.58.

I am, sir, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

ORDNANCE OFFICE,
Richmond, March 12, 1862.

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: I have the honor to inclose two papers, to which I beg your attention. The first,* and perhaps most important, is to confide to a separate body of officers the extraction of niter from the caves, and the construction and supervision of niter beds. The bureau, with its limited force of officers, is entirely unable to pay due attention to the subject without neglect of other duties not less important. I have already selected the person whom I shall recommend to the chief position, and the selection of his assistants should be left to him. A military organization connected with this bureau will, I am sure, be more profitable in the execution of this vital duty than agents employed at salaries and not responsible to a court-martial. The second is that organization of the bureau which I deem necessary to the proper execution of its duties. At present there is no responsibility on the part of officers doing ordnance duty in the field to the head of the bureau, and I fear there is great waste and some neglect—waste which the means of the bureau can ill afford. This organization would supply responsible officers to the principal commands. The increased rank for the war to ordnance officers at arsenals would be an act of grace to those officers which would, I am sure, allay many heartburnings, and would cost but little. Many of these officers would be general officers had they been allowed to exercise their own choice. It is unjust not to accord this little claim to officers whose work is no less conducive to the success of the war than the more active duties of the field.

Very respectfully, your obedient servant,

J. GORGAS,
Lieutenant-Colonel and Chief of Ordnance.

[Inclosure.]

AN ACT for the organization of the Bureau of Artillery and Ordnance.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the ordnance duties devolved on the Corps of Artillery by the fifth section of the act entitled "An act for the organization of the Army of the Confederate States of America," approved March 6, 1861, shall be performed by a bureau to be styled the Bureau of Artillery and Ordnance.

SEC. 2. Said bureau shall be charged with supplying all ordnance and ordnance stores required, and shall have charge of the arsenals, depots, &c., for the manufacture and distribution of supplies to the Army, of the national armories, and of the powder mills, and of all other establishments that may hereafter be purchased or erected for the manufacture of ordnance and ordnance stores for the Confederate States.

SEC. 3. Said bureau shall consist of the following officers, viz: One colonel, one lieutenant-colonel, four majors, twelve captains (to be nominated by the President), and of as many lieutenants detailed from the lieutenants of the Army and for such time as the service may require.

SEC. 4. The colonel of said bureau shall, unless otherwise directed by the President, be stationed at the seat of government, or at head-

*Not found as an inclosure, but see act of April 11, 1862, p. 1054.

quarters, and shall be styled Chief of the Bureau of Artillery and Ordnance.

SEC. 5. The officers of said bureau above the rank of lieutenant shall wear the uniform of the officers of the Corps of Artillery, with such variation to designate their position on the staff as the Secretary of War may determine. Lieutenants attached to the bureau will wear the uniform of their corps, with such addition or variation as may be necessary to designate their position on the staff. The officer on duty with an army shall be styled chief of ordnance of the Army of ———. The officer on duty with a division shall be styled division ordnance officer, and with a brigade, brigade ordnance officer.

SEC. 6. The pay of the officers of the bureau of all grades shall be the same as of the corresponding grades of cavalry, with the like allowance of horses and of fuel.

SEC. 7. The President may assign to each army in the field commanded by a general or acting general one of the officers of said bureau, who shall while on such duty have the rank and be entitled to the pay and allowances of a lieutenant-colonel. To each division commanded by a major-general or acting major-general, an officer of said bureau, who shall when on such duty have the rank and be entitled to the pay and allowances of a major of cavalry. To each brigade commanded by a brigadier-general or acting brigadier-general, an officer of said bureau, who shall when on such duty have the rank and be entitled to the pay and allowances of a captain of cavalry. Such assignments to be made on the application and recommendation of the commanders of armies, divisions, and brigades, through the Chief of the Bureau of Artillery and Ordnance. If officers of this bureau are not available for such assignments, then officers of any corps may be temporarily detailed for like purposes and will be entitled to like rank, pay, and allowances, and will for the time being be considered attached to the Bureau of Artillery and Ordnance.

SEC. 8. During the present war the officers of the bureau having charge of the arsenals and armories and the powder mills of the Confederate States and the assistant to the chief of the bureau shall be entitled to the rank, pay, and allowances of the grade immediately above that which they hold in the Confederate Army.

SEC. 9. The following are declared to be armories, arsenals, depots, &c.:

Fayetteville Arsenal and Armory, Fayetteville, N. C.; Richmond Armory, Richmond, Va.; Richmond Arsenal, Richmond, Va.; Charleston Arsenal, Charleston, S. C.; Augusta Arsenal, Augusta, Ga.; Confederate Powder Mills, Augusta, Ga.; Savannah Depot, Savannah, Ga.; Montgomery Depot, Montgomery, Ala.; Mount Vernon Arsenal, Mount Vernon, Ala.; Baton Rouge Arsenal, Baton Rouge, La.; Texas Arsenal, San Antonio, Tex.; Little Rock Arsenal, Little Rock, Ark.; Memphis Depot, Memphis, Tenn.; Nashville Arsenal, Nashville, Tenn.; New Orleans Depot, New Orleans, La.

BONHAM, TEX., *March 12, 1862.*

SAMUEL COOPER,

Adjutant and Inspector General, C. S. Army:

SIR: Since my letter to you of the 6th instant I have been traveling over a considerable portion of the district assigned to me in which I am to raise five regiments of infantry under the terms and restrictions mentioned in your order to me of the 3d ultimo. I find everywhere a

willingness to volunteer, but a number of persons who were authorized last summer and fall to raise regiments of mounted twelve-months' men have taken advantage of the excitement and now come in and are everywhere recruiting for mounted service, which, being much more popular in Texas than foot service, and the term being shorter, makes it a preferable service to our people, and is a very serious obstacle in my way; and not satisfied with the number of troops they were at first authorized to raise, some of these gentlemen, growing ambitious, are now calling for two and three regiments, with a view of urging upon the Government their claim to a brigadiership. Mr. M. T. Johnson, I hear, has now gone to Richmond, with the view of applying for the appointment of brigadier-general upon the ground that he has actually mustered three mounted regiments of twelve-months' men into the service. Two regiments, I believe, are organized, but the third has not been raised, and I hope will not. The truth is, unless this raising of men for a short term of service, and mounted at that, is peremptorily forbidden I cannot get the infantry required, and it would overtax the State to raise mounted men ad libitum, and on the heel of that raise also the required infantry. I take it for granted that at the time I was ordered to raise five infantry regiments that that was the quota required of Texas east of the Trinity for the Confederate Army. Since that order, if all the mounted troops are received recruited in this district we shall actually have more than the required number, and all mounted, and now to raise 5,000 more will almost exhaust the male population. Would it not, therefore, in view of all these facts, be well to issue a peremptory order to those persons who have delayed raising these mounted men until this time to disband them, and publish an order that no more mounted or twelve-months' men, much less the two combined, will be received into the service (save, perhaps, a special call). If this was done I could get my five regiments in thirty days. As it is, it will take me more than twice that time, and will take from the country more men than is probably desired by the Government, and perhaps more than would be prudent, especially from this section, where there is a very large grain crop in the ground and a likelihood of there being a deficiency of labor to save it. Provisions for the Army will probably the next season be drawn in large quantities from this section, but if the drain on the male population is kept up, *i. e.*, if all the cavalry organized and being organized, and all the infantry called for take the field, the harvesters will not be sufficient. I hope these self-appointed brigadiers will be taken out of my way at once and a quietus given to this mania for twelve-months' mounted service. An early reply is solicited.

Very respectfully,

SAML. A. ROBERTS,
Assistant Adjutant-General, Provisional Army, C. S.

[First indorsement.]

APRIL 11, 1862.

Respectfully referred to Secretary of War. Requires early action.

In view of the fact that there is now in service from Texas more than twenty regiments of cavalry and more than ten regiments of infantry, independently of the force serving in the State, and that the whole number is as great as she can be reasonably expected to furnish, it is submitted whether it would not be well to recall the authority for the five infantry regiments referred to within by Colonel Roberts.

S. COOPER,
Adjutant and Inspector General.

[Second indorsement.]

Prohibit all persons authorized to raise troops in Texas from enlisting twelve-months' men. Revoke and annul all authority to raise troops granted by this Department, unless the organization be completed and muster-rolls returned in sixty days from date of this order.

G. W. RANDOLPH.

[MARCH 12, 1862.—For Letcher's authority to Confederate generals in Virginia to call out the militia of that State within the limits of their commands, see Series I, Vol. V, p. 1097.]

RICHMOND, *March 13, 1862.*

To the HOUSE OF REPRESENTATIVES:

In response to the resolution of the 26th ultimo calling for a statement as to the establishments under contract for the supply of small-arms and of powder, and what means are employed in furnishing percussion-caps, and whether the various manufacturing establishments now employed by the Government will be able to furnish an ample supply of arms, powder, and percussion-caps for the use of our Army, I herewith transmit a report to the Secretary of War,* which gives such information in relation to the ability of the establishments employed as, it is hoped, will be satisfactory to the Congress. The Government has secured a supply of sulphur sufficient for any proximate want; proper charcoal can be obtained in any requisite quantity, and it only requires an adequate supply of saltpeter to insure the manufacture of more powder than can be profitably used. In addition to the mills now in active operation a very extensive one has been constructed in Georgia, which we have not started because the supply of saltpeter did not justify it. Establishments for the manufacture of small-arms are being constructed and developed, but, as was to have been anticipated, the progress has been slow and the want of mechanics does not permit us to hope for such extensive results as would satisfy existing necessities. The attention of Congress is called to the remarks of the Secretary on the subject of iron, and a method of increasing its production. For further information reference is made to the tabular statement of the Chief of Ordnance,† which is annexed to the letter of the Secretary of War.

JEFF'N DAVIS.

GENERAL ORDERS, No. 13.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, March 13, 1862.

I. The following act of Congress, and the regulations of the Secretary of War thereupon, with directions respecting damaged powder, &c., are published for the information of the Army:

AN ACT to establish a uniform rule of naturalization for persons enlisted in the armies of the Confederate States of America.

SECTION 1. *The Congress of the Confederate States of America do enact*, That every person not a citizen of one of the Confederate States engaged in the military service of the said Confederate States during the existing war against the

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* Not found as an inclosure, but see Benjamin to Davis, March 12, p. 987.

† Not found.

United States of America, shall thereby, and whilst in such service, be under the protection of the Confederate States as fully as if he were a citizen thereof, the rights of a citizen being to such extent hereby conferred, and moreover shall have the right to become naturalized and to become a citizen of any one of the Confederate States, and shall thereby be entitled to all the rights and privileges of a citizen of said State of the Confederate States upon taking an oath to support the constitution of such State, and well and faithfully to serve the Confederate States of America, to maintain and support the Constitution and laws thereof, and to renounce all allegiance and obedience to any foreign government, state, sovereignty, prince, or potentate, and particularly by name the government, state, sovereignty, prince, or potentate of which he may be, or have been, a citizen or subject, and stating which one of the Confederate States he intends to become a citizen of; but if the State in which the said applicant shall have resided next before his application shall afterward become a member of this Confederacy, the citizenship of said applicant shall remain in said State at his election, notwithstanding proceedings under this act.

SEC. 2. The oath prescribed in the preceding section may be made by all persons below the rank of colonel, before the colonel or commanding officer of the regiment to which such persons may be attached, and said oath may be made by colonels, and all officers superior in rank to colonels, and by all persons enlisted in the military service of the Confederate States not attached to regiments, before any commissioned officer of the Confederate States of rank higher than that of colonel. And it shall be the duty of the Secretary of War to provide blank forms of the oath required to be taken as aforesaid, and to cause the same to be distributed whenever necessary, and to make the regulations necessary for informing all persons now engaged in the military service of the Confederate States of the provisions of this act, and to cause all the oaths so taken as aforesaid to be returned to the War Department. And it shall be further the duty of the Secretary of War to file for record, in the district court of the Confederate States for the State and district where the capital may be situated, all the oaths so returned to the War Department as aforesaid. And it shall be the duty of the clerk of said district court to record all oaths of naturalization filed with him as aforesaid, and to keep an index of the same; for which service he shall be entitled to a fee of twenty-five cents for each naturalization oath, to be paid out of the public treasury in the same manner as his other fees of office.

Approved August 22, 1861.

II. Any person under the rank of colonel engaged in the military service of the Confederate States, and attached to a regiment, may become a citizen of one of said States by taking the following oath before the colonel or commanding officer of the regiment to which he is attached:

I, ——— ———, do solemnly swear to support the constitution of the State of ———, of which said State I intend to become a citizen; that I will well and faithfully serve the Confederate States of America, and maintain and support the Constitution and laws thereof; and that I do renounce all allegiance and obedience to any foreign government, state, sovereignty, prince, or potentate, and particularly all allegiance and obedience to ———.

Sworn to and subscribed before me this ——— day of ———, 186—, by ——— ———, who is attached to the regiment under my command.

III. The same oath must be taken by colonels and officers superior in rank to colonels, and also by all persons enlisted in the military service of the Confederate States not attached to regiments, in order to become citizens of any one of the Confederate States. In such cases the oath must be taken and subscribed before a commissioned officer of the Confederate States, whose rank is higher than that of colonel, whose certificate must show that such oath was taken by a colonel, or by an officer superior in rank to a colonel, or by a person enlisted in the military service of the Confederate States not attached to any regiment.

IV. Any oath taken as aforesaid shall be returned to the War Department by the officer before whom it is taken.

V. Wastage of damaged powder and ammunition in camps and at batteries having been reported, it is made the duty of officers in charge thereof to turn it over to the nearest ordnance officer; or, he being absent, to the quartermaster, who will forward it, with invoices of the amount, to the ordnance officer at Richmond, Raleigh, Augusta, or New Orleans, depending on their distance from those points, respectively. The same will be done with all unserviceable arms.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE DEPARTMENT,
Austin, March 13, 1862.

J. P. BENJAMIN,
Secretary of War, Richmond, Va.:

SIR: I arrived here from Houston on yesterday and find in my office the inclosed order of S. A. Roberts, who is probably the gentleman mentioned in my last from Houston as having authority to raise five regiments of men within the State of Texas north and east of the Trinity River, to report directly to the Adjutant-General of the Confederate States at Richmond without consulting with or reporting in any way to the authorities of this State. This gentleman (S. A. Roberts) is placed on a much more favorable footing to raise men than the Executive of the State. He is holding out very strong inducements to the Texans to enlist by permitting them to transport themselves on horses and mules to be ultimately purchased by the Government. The people are eager to engage in the conflict, and as a rule desire to move at once to the scene of action. The effect of the permission to S. A. Roberts, assistant adjutant-general, is to close the region of the country in which he is authorized to operate against the Executive until he obtains the number of men he calls for. I wish to be informed whether these five regiments are to constitute a portion of the fifteen regiments required of me by your Department under date of the 3d of February, 1862. I am also well informed that parties are yet traveling over this State raising men for cavalry service and for twelve months under commissions from the War Department. These commissions ought, in right and justice, to have been revoked when the requisition was made on me for the fifteen regiments. As this was not then done it should be done now. Unless action is taken at once to remedy this evil I cannot and will not, as I have said before, be responsible to any degree for the time and manner in which Texas will fill in terms the requisition made upon her. If Texas is expected to furnish her troops regularly and in accordance with your requisitions, the people must understand and must know that they go into service through the Executive of the State. This system must be adopted and must be enforced or it will be utterly futile for me to exert myself to comply with demands by you. I trust, sir, that an early reply will be given me on these points.

I am, sir, with great respect, your very obedient servant,

F. R. LUBBOCK.

[Inclosure.]

FEBRUARY, 1862.

To the CITIZENS OF TEXAS IN THE COUNTIES LYING EAST OF THE TRINITY:

FELLOW-CITIZENS: The crisis of our country is at hand. In all human probability the events of the next six months will close the war, or serve to protract it indefinitely. If we defeat the enemy or keep him at bay for that period it is believed by those highest in authority that the war will be virtually, if not actually, at an end. To do this every energy of the Government must be exerted, and that at once. The enemy, profiting by their dearly-bought experience in the use of volunteers for a short term of service, discarded the system and went to work to enlist troops for the war, and they will be in a condition, as soon as the spring opens, to precipitate upon us a numerous and a well-drilled army. Our army, composed mostly of twelve-months' volunteers, will about that time be actually disbanding, unless the patriotism of the volunteers shall overcome their desire for ease. Strong hopes are entertained and some earnests have recently been given by the army in Virginia and elsewhere that this will be the case. But still, with all the volunteers now in the field, the enemy greatly outnumbers us. I speak what I have the best authority for saying. More troops we must have, and if we cannot get them as volunteers there will inevitably be a draft. How will you respond to this plain state of facts? My long residence and extensive acquaintance in a large portion of Texas enables me to respond confidently for you. You will volunteer. But it must not be a slow, hesitating action. It must, to be of use, be a rapid, energetic, universal upheaval of the people. Hesitation is death; inaction, a desertion of your country in this her hour of need. Call public meetings; those of you who feel the fire within will be gifted with words to rouse the torpid and add a new energy to those who are already resolved to bring themselves to their country. The time for preparation is so short that it will be impossible for me to visit, as I had thought of doing, each county in person. By the 15th of April we want five regiments from the counties east of the Trinity. The Government has authorized me to raise these regiments, muster them into service, and provide for their outfit, &c. With great exertion I prevailed on the Department to depart somewhat from the rule which the good of the service required them to make—to receive no more mounted troops—and I am now permitted to let each volunteer mount himself on a good, serviceable horse or mule, when about to take up the line of march, and when their destination is reached the troops will dismount and serve on foot, the Government paying them cash in currency for the horse or mule at the appraised or muster-in value, and pay also 10 cents a mile to each volunteer in commutation of forage, risk of horse, &c. The Government will also arm the troops on reaching their destination, if not before. A military depot and rendezvous will be established by me at some healthy and convenient point for subsisting the troops while in camp. I shall endeavor to place it where provisions are most abundant and cheapest. Due notice will be given through the papers or otherwise of the point selected. Special orders I am allowed to give to any suitable gentleman desiring to raise a regiment or company. Whenever notified that a regiment has been raised I will immediately proceed to any portion of my district (which is indicated in the caption of this address), muster it into service, and assign an

encampment for drill, &c. An assistant quartermaster-general will be in readiness at the place of general rendezvous to provide all the necessary outfit and subsistence. These regiments will elect their own officers. The staff of each regiment will recommend, which always amounts to an appointment, the regimental quartermaster, commissary, surgeon, &c. Any one wishing further information will receive it promptly by addressing me at Bonham, Fannin County, Tex. To give this a wider circulation in Texas I hope the patriotic editors of newspapers in the counties designated will insert it in their papers.

SAML. A. ROBERTS,
Assistant Adjutant-General, Provisional Army, C. S.

EXECUTIVE DEPARTMENT,
March 14, 1862.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Not being able to approve, I return with my objections, in accordance with the duty imposed by the Constitution, an act entitled "An act to create the office of commanding general of the armies of the Confederate States." The act creates an office which is to continue during the pleasure of the President, but the tenure of office of the general to be appointed is without any other limitation than that of the office itself. The purpose of the act, so far as it creates a military bureau the head of which, at the seat of government, under direction of the President, shall be charged with the movement of troops, the supply and discipline of the Army, I fully approve; but, by what I cannot regard otherwise than as an inadvertence on the part of Congress, the officer so appointed is authorized to take the field at his own discretion and command any army or armies he may choose, not only without the direction but even against the will of the President, who could not consistently with this act prevent such conduct of the general otherwise than by abolishing his office. To show that the effect of this act would be highly detrimental to the Army, it might be enough to say that no general would be content to prepare troops for battle, conduct their movements, and share their privations during a whole campaign if he expected to find himself superseded at the very moment of action. But there is another ground which to my mind is conclusive. The Constitution vests in the Executive the command in chief of the armies of the Confederacy; that command is totally inconsistent with the existence of an officer authorized, at his own discretion, to take command of armies assigned by the President to other generals. The Executive could in no just sense be said to be Commander-in-Chief, if without the power to control the discretion of the general created by this act. As it cannot have been the intention of Congress to create the office of a general not bound to obey the orders of the Chief Magistrate, and as this seems to be the effect of the act, I can but anticipate the concurrence of the Congress in my opinion that it should not become a law.

JEFFERSON DAVIS.

[Inclosure.]

AN ACT to create the office of commanding general of the armies of the Confederate States.

The Congress of the Confederate States do enact, That there shall be, and is hereby, created the office of commanding general of the

armies of the Confederate States, which office shall continue only during the pleasure of the President.

SEC. 2. *Be it further enacted*, That the said officer shall be appointed by the President by and with the advice and consent of the Senate. His usual headquarters shall be at the seat of government, and shall be charged, under the direction of the President, with the general control of military operations, the movement and discipline of the troops, and the distribution of the supplies among the armies of the Confederate States, and may, when he shall deem it advisable, take command in person of our army or armies in the field.

SEC. 3. *Be it further enacted*, That the pay of the commanding general aforesaid shall be $400 per month, without allowances; and if the officer appointed under the provisions of this act shall be an officer of the permanent Army the appointment shall not affect his rank as such, but he shall receive none of the pay and allowances of his grade as an officer of the permanent Army while holding the office created by this act.

SEC. 4. *Be it further enacted*, That the staff of the commanding general shall consist of a military secretary with the rank of colonel, four aides-de-camp with the rank of major, and such clerks, not to exceed four in number, as the President shall from time to time authorize. The pay and allowances of the military secretary and aides-de-camp shall be the same as those of officers of cavalry of the like grade, and the salaries of the clerks shall not exceed $1,200 per annum for each. Such offices, office furniture, fuel, and stationery shall be provided for the commanding general as the duties of his office may render necessary, to be paid for out of the appropriation for the contingent expenses of the War Department.

Passed House March 3, 1862. Vote, 50 to 16.

Passed Senate March 6, 1862. Vote not recorded.

[Veto sustained in the House by vote of 68 to 1.]

[MARCH 14, 1862.—For General Orders, No. 15, Adjutant and Inspector General's Office, publishing proclamation of Jefferson Davis, extending martial law over certain counties in Virginia, see Series I, Vol. LI, Part II, p. 502.]

RICHMOND, VA., *March 15, 1862.*

Hon. W. M. BROOKS,
Marion Ala.:

MY DEAR SIR: If under other circumstances I might be willing to hear criticism of my acts, the condition of the country now too fully engrosses all my thoughts and feelings to permit such selfish impatience, and I have read yours of the 25th ultimo,* anxious to gather from it information, and thankful for your friendly remembrance and the confidence your frankness evinces. I acknowledge the error of my attempt to defend all of the frontier, sea-board and inland; but will say in justification that if we had received the arms and munitions which we had good reason to expect, the attempt would have been successful and the battle-fields would have been on the enemy's soil. You seem to have fallen into the most uncommon mistake of supposing that I have chosen to carry on the war upon a "purely defensive system." The advantage of selecting the time and place of attack was

*Not found.

too apparent to have been overlooked, but the means have been wanting. Without military stores, without the workshops to create them, without the power to import them, necessity, not choice, has compelled us to occupy strong positions and everywhere to confront the enemy without reserve. The country has supposed our armies more numerous than they were, and our munitions of war more extensive than they have been. I have borne reproach in silence because to reply by an exact statement of facts would have exposed our weakness to the enemy. History, when the case is fully understood, will do justice to the men who have most suffered from hasty judgment and unjust censure. Military critics will not say to me, as you do, "your experiment is a failure," but rather wonder at the disproportion between the means and the results.

You inform me that "the highest and most reputable authors" say that "I have not had a Cabinet council for more than four months." I read your letter to a member of my Cabinet to-day. They were surprised at the extravagance of the falsehood, and did not believe that so much as a week had at any time occurred without a Cabinet consultation. I would like to know who the authors of such stories are. Your own estimate of me, I hope, assured you that I would not, as stated, treat the Secretary of War "as a mere clerk;" and if you know Mr. Benjamin you must realize the impossibility of his submitting to degradation at the hands of any one. The opposition here complain that I cling too closely to my Cabinet, not as in your section that they are disregarded; and the only contempt of the sentiments of Congress which is here alleged against me (so far as I have heard) is that their wish for the removal of two or more members of the Cabinet has not been yielded to. Perhaps there might be added dissatisfaction on the part of a few at the promotion or appointment of military officers without consulting the members of Congress in relation to them. Against the unfounded story that I keep the generals of the army in leading strings may be set the frequent complaint that I do not arraign them for what is regarded their failures or misdeeds, and do [not] respond to the popular clamor by displacing commanders upon irresponsible statements. You cite the cases of Generals Johnston and Beauregard, but you have the story *nomine mutata;* and though General Johnston was offended because of his relative rank, he certainly never thought of resigning, and General Beauregard, in a portion of his report which I understand the Congress refused to publish, made a statement for which I asked his authority, but it is surely a slander on him to say that he even considered himself insulted by me.

The grossest ignorance of the law and the facts can alone excuse the statement as to the ill-treatment of General Price by me. His letters do not permit me to believe that he is a party to any such complaint. If, as you inform me, it is "credibly said" that "I have scarcely a friend and not a defender in Congress or in the Army," yet for the sake of our country and its cause I must hope it is falsely so said, as otherwise our fate must be confined to a multitude of hypocrites. It would be easy to justify the appointments which have been made of brigadier-generals by stating the reasons in each case, but suffice it to say that I have endeavored to avoid bad selections by relying on military rather than political recommendations, and upon the evidence of service where the case was one of promotion. It is easy to say that men are proscribed because of their political party. Look for yourself and judge by the men filling the offices whether I have applied

party tests. When everything is at stake, and the united power of the South alone can save us, it is sad to know that men can deal in such paltry complaints, and tax their ingenuity to slander because they are offended in not getting office. I will not follow the example set me and ascribe to them bad motives, but deem it proper to say that the effect of such assaults, as far as they succeed in destroying the confidence of the people in the administration of their Government, must be to diminish our chances for triumph over the enemy, and practically to do us more harm than [if] twice the number of men I can suppose to be engaged in such work were to desert to the standard of Lincoln.

You are no doubt correct in your view of the propriety of keeping volunteers in the field, but you will not fail to perceive that when a small force is opposed to a large one the alternative is to retreat or fortify some strong position, and as did General Jackson at New Orleans, thus compensate for the want of numbers. But the strength of an army is not merely dependent on numbers. Another element is discipline and instruction. The first duty now is to increase our forces by raising troops for the war and bringing out all the private arms of the country for the public defense. If we can achieve our independence the office-seekers are welcome to the one I hold, and for which possession has brought no additional value to me than that set upon it when, before going to Montgomery, I announced my preference for the commission of a general in the Army. Accept my thanks for the kindness which you have manifested in defending me when so closely surrounded by evil reports. Without knowing what are the many things you have supposed me to have done, and which were disapproved, I venture to say, if the supposition was based upon the statements of those "reputable authors" before noticed, that I was more worthy of your defense than you believed when making it.

Very respectfully, your friend,

JEFFERSON DAVIS.

EXECUTIVE DEPARTMENT OF NORTH CAROLINA,
ADJUTANT-GENERAL'S OFFICE,
Raleigh, March 15, 1862.

General S. COOPER,
Adjutant-General C. S. Army, Richmond, Va.:

GENERAL: I inclose herewith copies of the acts of the General Assembly of this State in regard to the term of service of twelve-months' volunteers. By the first section of the act ratified May 10, 1861, page 6, the term of service is "for twelve months after they shall be mustered into service." The seventy-second section of the act ratified on the 20th day of September, makes the term twelve months "from the date of the election of field officers by the regiment."

I am, very respectfully, your obedient servant,

J. G. MARTIN,
Adjutant-General.

[Inclosure No. 1.]

AN ACT to provide for the public defense.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in order to provide speedily forces to repel invasions and aid

the Confederate States of America in maintaining the rightful possession of every portion of territory belonging to each Southern State, and to secure the public tranquillity and independence against threatened assaults, His Excellency the Governor, by the advice of the military board, be, and he is hereby, authorized to employ the militia, military, and naval forces of this State, and to ask for and accept the services of 20,000 volunteers, who may offer their services either as cavalry, mounted riflemen, artillery, or infantry, in such proportion of these several arms as he may deem expedient, to serve for twelve months after they shall be mustered into service, unless sooner discharged, with power on the part of the Governor to increase said volunteer force to the number of 50,000, if the public exigencies demand it.

* * * * * * *

Read three times and ratified in General Assembly this 10th day of May, A. D. 1861.

W. T. DORTCH,
Speaker House of Commons.
HENRY T. CLARK,
Speaker Senate.

[Inclosure No. 2.]

The militia law of North Carolina, passed at the second extra session of the General Assembly, 1861.

* * * * * * *

SEC. 72. Said troops shall be raised by voluntary enlistment either for the war or for terms of not less than twelve months, to begin from the date of the election of field officers by the regiment: *Provided*, The Confederate Government continues to receive into service volunteers for a time less than the continuance of the war. And all such volunteers when tendered for service to the Governor may be accepted by him in companies, or in numbers less than a company, if he shall deem the same expedient; and when so accepted they shall be deemed in the service of the State, shall be subject to the orders of their superior officers, and to the Rules and Articles of War adopted by the Government of the Confederate States; and when received in numbers less than a company they may be consolidated as to form companies, and shall be paid from the date at which they were accepted.

* * * * * * *

Read three times and ratified in General Assembly this 20th day of September, A. D. 1861.

N. N. FLEMING,
Speaker of the House of Commons.
HENRY T. CLARK,
Speaker of the Senate.

EXECUTIVE DEPARTMENT,
Austin, March 15, 1862.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond:

SIR: I am this day in receipt of letters informing me that recruiting officers are issuing authority for the raising of cavalry companies so

as to increase Colonel Carter's command to a brigade. I wish to be advised as to the facts. If it be so that such authority is vested in Colonel Carter or others I can only repeat what I have already said, that it will defeat every effort I can make to raise infantry. If cavalry is to be raised I claim the right to furnish them in such manner as will entitle the State to credit for them. I cannot understand why individuals should be placed on a more favorable footing in the raising of men than the State authorities. If cavalry is wanted I could fill your requisition in twenty days. I hope to hear from you at your earliest convenience. I am exerting every influence and power to comply with the requisition made upon me, and were I left untrammeled and permitted to act independently of gentlemen having roving commissions my efforts would be successful. I inclose an order that I was constrained to issue.

Yours, very respectfully,

F. R. LUBBOCK.

[Inclosure.]

GENERAL ORDERS, No. 8. ADJUTANT-GENERAL'S OFFICE, *Austin, March 13, 1862.*

I. In addition to the requisition from the War Department for fifteen regiments of infantry to serve for three years or during the war, this State is required to furnish recruits to fill up the First, Fourth, and Fifth Regiments of Infantry now stationed on the Potomac, and to facilitate the accomplishment of this object the following-named officers have been detailed and empowered to enroll men for their respective companies, viz:

First Texas Regiment: Lieut. J. L. Sheridan, Company I; Lieut. J. L. Spencer, Company H; Capt. John R. Woodward, Company G; Lieut. W. A. Bedell, Company L.

Fourth Regiment: Company A, Capt. J. C. G. Key, Gonzales, Tex.; Company B, Second Lieut. R. J. Lambert, Austin, Tex.; Company C, Capt. W. P. Townsend, Owensville, Tex.; Company D, Lieut. C. Reich, Seguin, Tex.; Company E, Lieut. J. M. Brandon, Waco, Tex.; Company F, Lieut. L. P. Hughes, San Antonio, Tex.; Company G, Adjt. R. H. Bassett, Anderson, Tex.; Company H, Lieut. C. E. Jones, Montgomery, Tex.; Company I, Capt. C. M. Winkler, Corsicana, Tex.; Company K, Lieut. J. T. Burress, Athens, Tex.

Fifth Regiment: Company A, Lieut. James E. Clute, Houston, Tex.; Company B, Lieut. J. D. Roberdeau, Columbus, Tex.; Company C, Lieut. J. J. McBride, Centerville, Tex.; Company D, Lieut. W. T. Hill, Waverly, Walker County, Tex.; Company E, Lieut. R. T. Harper, Washington, Tex.; Company F, Lieut. W. D. Williams, Liberty, Liberty County, Tex.; Company G, Lieut. John Smith, Cameron, Milam County, Tex.; Company H, Capt. John S. Cleveland, Cold Spring, Polk County, Tex.; Company I, Lieut. B. J. Franklin, Independence, Washington County, Tex.; Company K, Lieut. Robert W. Hubert, Livingston, Polk County, Tex.

II. As the recruiting officers are prepared to pay the bounty of $50 to each recruit at the time of enlistment and furnish the necessary transportation to their respective companies, the Governor urges upon those who desire to join any of the above-mentioned regiments to report to the recruiting officer of the company to which they may desire to enter, that the State may obtain credit for all recruits furnished those regiments; and the recruiting officers are requested to furnish the

adjutant-general with a muster-roll of all the men who may have enlisted at the time of leaving the State.

III. Men leaving the State singly, in squads, or in any other manner since the Governor's proclamation of February 26, 1862, without reporting to their brigadier-general, deprive the State of the credit to which she is entitled, diminish its strength, and by this course will force upon the Executive the necessity for a draft, the very apprehension of which is so repugnant to a Texan. All those volunteering for a term less than three years or the war are nevertheless liable to be drafted; and any one so drafted who shall fail to appear shall be recorded as a deserter and be dealt with according to law, unless he shall furnish this office with the evidence of his having joined some company for the war.

IV. The general commanding the Department of Texas has been ordered by the War Department to receive no troops except for the term of three years or for the war.

V. As this requisition and the requisition for fifteen regiments call for infantry, under no circumstances will cavalry be received.

By order of Governor F. R. Lubbock:

J. Y. DASHIELL,
Adjutant and Inspector General.

No. 58 JERMYN STREET, LONDON,
March 15, 1862.

Maj. J. GORGAS,
Confederate States War Department:

MAJOR: I have the honor to inform you that the owners of the Stephen Hart have taken steps for the recovery of their property, which they hope will prove successful. The case is in good hands in New York, and I can confidently say that everything that can be done in the case will be properly attended to. The screw steamer Southwick is now en route to Nassau with a valuable cargo of arms and other supplies. A list of her cargo has already been forwarded to you. The steamer Minna will leave in a few days, probably on the 19th. There will be on board of this vessel for the Government 5,000 rifles, 1,500 cavalry sabers, 1,500 cavalry belts, 10,000 friction-tubes, and 500 barrels of cannon-powder. The steamer Bahama is expected to arrive to-day at Hamburg, where she will take on board the Austrian field batteries, concerning the purchase of which I have already informed the Department. This vessel has also on board four 7-inch navy guns and a quantity of shells, which, in the absence of Captain Bulloch, I directed to be sent to Nassau with a view to their being transferred to another vessel if opportunity should offer. Since disposing of these guns in this manner Captain Bulloch has arrived and has taken charge of the vessel for which these guns were intended. He has not seen fit to change the destination of the guns, and they will accordingly be forwarded with the field batteries. I regret exceedingly that there is no officer of the Navy in this country to take charge of the important shipment from Hamburg. In my last communication I stated that I should consider it my duty to go in the Bahama myself in case no officer arrived in the meantime. But after conferring with Captain Bulloch and considering the whole matter, I have come to the determination that it would not be proper for me to leave this country for

so long a time, since every day my presence is necessary in connection with the business which I have in hand. I must therefore trust everything to the master of the ship, who is certainly entirely trustworthy and competent, but who cannot feel himself possessed of that complete control of the property that he would if he were a commissioned officer of either the Army or Navy.

The Bahama will be commanded by Mr. Tessier, late master of the Bermuda. It is almost impossible to combine in any one ship the qualities necessary in running into a port of the Confederacy and for crossing the ocean. Vessels having the speed requisite for the former service require so much space for coal as to leave almost no room for cargo, while all the screw steamers, the only class fitted for carrying cargo so great a distance, are quite slow. I am quite at a loss what destination to give to the Bahama. My conviction is that York River is the point for which she should run, but I do not think that the master of the ship will be willing to attempt the blockade, at any rate, and I shall be obliged to send her to Bermuda or Nassau. I beg to suggest to the Department the importance of everything relating to these shipments being kept entirely secret. From the evidence given in the case of the Stephen Hart, I am confident that, no matter what may be the character of the flag, munitions of war belonging to the Confederate Government will be held by U. S. officers liable to capture, no matter where they may be found. My next shipment of arms I shall endeavor to make by the Havana mail steamer from Southampton. My steps are so narrowly watched by the agents of the United States wherever I may go, and such efforts are made by the numerous U. S. ministers and consuls all over Europe to prevent munitions of war going to the Confederacy, that I am of the opinion that Confederate property will be unsafe on board of any other than a regular mail packet. I adopt every precaution, such, for example, as having everything done by British merchants, but I do not feel that even the property now at sea is safe from capture. If it be asked why I do not insure the cargoes against capture, I have to answer that the rate of insurance is high, and that I do not think that the money would be paid in case of capture, the insurance being entirely illegal. Moreover, it is an undignified position for a Government to occupy, that of paying individuals of another Government to insure its property.

The last remittance that I received (£80,000) was insufficient to discharge the indebtedness I had incurred. It would be impossible at the present time to obtain anything for the Confederacy on credit, with all the losses in the field its Army has sustained, and I shall therefore be unable to do more than send forward the rifles and accouterments that I have under contract; and, for the want of money, I am obliged to direct the manufacturers to hold back in their deliveries as much as possible. The rifles of the London Armory Company are so greatly superior to all others that I have made an effort to obtain the control of all that they can make within the next three years. The contract of the company with the British Government is about expiring, and I have requested the managing director not to apply for a renewal of it until I can receive instructions from the War Department, and have also requested him to tender to me a proposal for supplying 50,000. I have not received his formal reply, but it will be in substance as follows: The price to be the same as to the British Government, which I think is 60 shillings, say $15; rifles to be delivered in London, payment on delivery. The sum of £15,000 to be deposited on interest as a penalty to be forfeited in case of non-

payment by Confederate Government. The penalty to be absorbed in payment for the last deliveries. I have found this company in every transaction that I have had with them most honorable and accommodating, and I beg to suggest to the Department the great importance of making such a contract with them as I have proposed, which is similar to one just completing for the British Government. It will be necessary in case the contract is made to organize a corps of inspectors of the work as it progresses from the forgings to the finished rifle. I have no doubt that I could secure the services of the same men now acting in the same capacity for the British war department. The advantage of having a standing contract with so respectable a company would not be limited to the contract itself. In case the General Government or any of the State governments found it necessary to procure a greater number of rifles in England than this company could furnish, the same inspectors would be available for receiving other rifles, and the standard of quality in the minds of these inspectors would be the highest possible. I beg to request an early communication on this subject from the War Department. I have imported from New York a U. S. cavalry saddle, and shall have a number manufactured according to that pattern as soon as I have the money with which to pay for them, believing that it is preferable to any saddle that I have seen in Europe. I have imported from France a set of artillery harness which has some points of superiority over the English, and in case of ordering any more artillery harness in this country shall follow the French model in some particulars. It is quite impossible for me to send forward to the Department an accurate statement of each contract made.

The Department must be aware that with so much to attend to my time is fully occupied. I find it necessary to superintend everything personally, even to the shipping of the articles. To-morrow I go to Hamburg to attend to the embarking of the artillery. I have secured four more batteries of artillery, which I am to have rifled and fitted complete for service. I have, however, no money to pay for them and I cannot borrow any more. As I have already informed the Department, the entire cargo of the Bahama—80 cannons, 4,500 sabers, 3 forges, and 3 battery wagons—was purchased with money borrowed from individuals in Liverpool in sums of from £200 to £1,000. For these sums I gave my notes as agent of the Government, payable on the 1st of August.

I have the honor to be, very respectfully, your obedient servant,

CALEB HUSE.

I have received no communication from the Department since Secretary Walker left the office of the War Department.

C. H.

RICHMOND, VA., *March 17, 1862.*

The SENATE OF THE CONFEDERATE STATES:

I nominate for the advice of the Senate the following-named officers, viz: For Secretary of State, J. P. Benjamin, of Louisiana; for Secretary of the Treasury, C. G. Memminger, of South Carolina; for Secretary of War, G. W. Randolph, of Virginia; for Secretary of the Navy, S. R. Mallory, of Florida; for Attorney-General, Thomas H. Watts, of Alabama; for Postmaster-General, John H. Reagan, of Texas.

JEFFERSON DAVIS.

AN ACT to regulate the destruction of property under military necessity, and to provide for the indemnity thereof.

The Congress of the Confederate States of America do enact, That the military authorities of the Confederate Army are hereby authorized and directed to destroy cotton, tobacco, military and naval stores, or other property of any kind whatever, which may aid the enemy in the prosecution of the war, when necessary to prevent the same, or any part thereof, from falling into the hands of the enemy.

SEC. 2. *Be it further enacted*, That the owners of property destroyed under the operation of this act, as well as those persons who shall voluntarily destroy their property to prevent the same from falling into the hands of the enemy, are hereby authorized to perpetuate the testimony of such destruction, in the manner prescribed by an act of the Provisional Congress, entitled "An act to perpetuate testimony in cases of slaves abducted or harbored by the enemy, and of other property seized, wasted or destroyed by them," approved thirtieth August, eighteen hundred and sixty-one; and such owners and persons shall be entitled to indemnity out of the proceeds of property sequestered and confiscated under the laws of the Confederate States, in such manner as Congress may hereafter provide.

Approved March 17, 1862.

[MARCH 17, 1862.—For Benjamin to Shorter, in relation to "the prompt and patriotic response" made by Alabama to the call of the Government for troops, &c., see Series I, Vol. X, Part II, p. 333.]

EXECUTIVE DEPARTMENT,
Austin, March 17, 1862.

[Hon. J. P. BENJAMIN:]

SIR: I dislike to be so troublesome in trespassing upon your valuable time. I deem it, however, essential that you should at once know the difficulties surrounding this department in raising infantry for the war. Every mail brings me letters and assurances of authority from your Department issued to parties to raise cavalry in this State. On yesterday I was notified that J. H. Burnett, of Crockett, Tex., had authority from you to raise, in addition to a regiment, as many more men as should offer to him their services. I also learn Colonel Darnell has now nineteen companies (cavalry). I am notified by Mr. L. A. Abercrombie, of Huntsville, Tex., that he has authority to raise a regiment or battalion of infantry for the war. I also received the within notice this morning. I am pressing on the requisition made upon me the 3d [2d] of February, and am threatening the people with a draft. Is it fair to do this, when it would appear that our State is likely to have many more men in the field than you admit to be the proper quota? I shall await with anxiety an answer to the many letters I have addressed you on this subject. The camps of instruction are established and the soldiers are beginning to rendezvous.

Yours, very respectfully,

F. R. LUBBOCK.

[Inclosure.]

MEN OF TEXAS, TO ARMS!

Col. James P. Major, late of the Second Cavalry, who distinguished himself in the great Wichita Indian fight under Van Dorn, and at the battle of Oak Hills under General McCulloch, has been commissioned by the Secretary of War to raise a regiment of lancers. This is a favorite service with Texans and a splendid field for military achievement. The undersigned has been commissioned by Colonel Major to raise a company for his regiment. Each man is expected to furnish a good horse and substantial clothing for the campaign. The company will be furnished with transportation to the place of rendezvous at Fort Smith, Ark., at which place they will be furnished with the arms of the regiment. Soldiers enlisting in this service will be entitled to $50 bounty. All who can procure a six-shooter will do well to secure one, as it is a terrible instrument of execution in the hand of the Texan.

Fellow Texans, now is the time to rally to the standard of liberty. The enemy are pressing us on every hand. Our hearthstones and sacred firesides are polluted by the tyrant's minions, and the cry of "To arms!" "To arms!" rings along the hills and valleys of the sunny South, calling in thunder tones the denizens of the forest to roll back the red wave of war upon the shores of the heaven-cursed land of the Northern barbarian. Let the motto of "Victory or death!" be nailed to our flag. Let the valiant sons of Texas rally from the hill-tops and the valleys, like Highland Scots to the bugle blast of the bold McGregor's horn, and a more terrible retribution will follow than ever was recorded on the burning pages of history. Those wishing to enlist will report to me forthwith at Victoria.

March 10, 1862.

WILLIAM M. BLAIR.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 17, 1862.

Messrs. S. ISAAC, CAMPBELL & CO.,
71 Jermyn Street, London, England:

GENTLEMEN: I am in receipt of your favor of January 29, by the Economist, and desire to express to you the deep sense of obligation felt by this Government for the kind and generous confidence which you have exhibited toward us at a moment when all others in foreign countries seem to be doubtful, timorous, and wavering. You will find, however, that your confidence was not misplaced, and that we have not failed (as far as we could find means) to make remittances to Captain Huse, although not as rapidly as we desired; but our difficulties have been great in procuring secure remittances. Enough, however, has been done, we trust, to relieve you from embarrassment or apprehensions. I find from my books that the amounts furnished to Captain Huse have been recently as follows, viz:

January 20	$461,600
February 14	300,000
March 7	500,000
Total	1,261,600

I shall continue my remittances by every favorable opportunity, but shall probably not send them otherwise than in cash, as we prefer leaving to the merchants the very large profits made from shipping produce, being desirous of satisfying your Government and people of the folly of allowing their trade to be cut off from a country capable of furnishing such rich fruits to commercial enterprise. Our demands for supplies from England will continue quite large, and we trust you may find your connection with our young Government equally profitable and agreeable.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

[MARCH 19, 1862.—For Price to Benjamin, in relation to organization of troops in Missouri, &c., see Series I, Vol. VIII, p. 792.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 19, 1862.

Dr. R. G. BARKHAM,
Tarborough, N. C.:

SIR: Guerrilla companies are not recognized as part of the military organization of the Confederate States, and cannot be authorized by this Department.

Respectfully,

J. P. BENJAMIN,
Acting Secretary of War.

(Same, March 20, to Capt. Samuel P. Gresham, Forty-seventh Virginia Regiment, Fredericksburg, Va.)

MEMPHIS, TENN., *March 19, 1862.*

His Excellency President DAVIS:

As a friend and lover of the Southern Confederacy I beg to make a few suggestions. You can ascertain from Governor Harris, R. C. Brinkley, Sam. Tate, M. J. Wicks, and many others here, true to our cause, that large quantities of sugar and cotton are stored away in this city and now being removed by the order of the provost-marshal on the "Bluff" ready for destruction, if necessary. To destroy this sugar and cotton without compensation will reduce to poverty a number of good and loyal men. It should certainly be destroyed rather than fall into the hands of the Federals, but as the sacrifice would be for the public good they ought to have their pay in Confederate notes, which in this city is only worth half as much as gold; yet they would willingly take them at par value. The probability is, without a change in the tide now against us, Memphis will soon be in the hands of the Lincolnites. With it will go a large portion of rich cotton plantations. Planters who have little, and some of them no money, are required to pay the war tax in gold, or almost its equivalent, besides all expenses. Now, in addition to this, burn their cotton, their only reliance, without paying them in Confederate notes, which they can now use, and you seriously injure many. It will throw a damper on the Confederate cause, because the burden is not equal. Meat men, corn and grain raisers, stockmen, have all been

paid fair prices. The cotton planter has suffered most, and ought to be relieved where his cotton is burned for the public good. He ought to have Confederate notes, which he can now use. More than three months ago, in Nashville, Tenn., I heard Col. Wirt Adams say that Nashville had but little more protection, other than the low stage of the Cumberland River; that the fortifications at Fort Donelson were wholly inadequate to resist a formidable assault. He was to me a comparative stranger, yet his remarks made upon me a deep impression, as they did upon many others. The Secretary was entirely too slow in commencing to build gun-boats, and he is now heartily cursed from one end of the country to the other. The property taken and destroyed by our enemies on the Tennessee and Cumberland would have built gun-boats sufficient to have protected all the rivers in the South. Now, should he get down the river we lose all our boats.

With high regard, respectfully submitted, in great haste, by,

J. ALEXANDER.

ADJUTANT-GENERAL'S OFFICE, VIRGINIA,
Richmond, March 19, 1862.

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: In obedience to a resolution of the House of Delegates of the 18th instant I have the honor to report that up to this morning, inclusive, returns have been received from 408 volunteer companies of the State in the service of the Confederate States, showing an aggregate of 27,898 men, rank and file, in service when the reports were made, and requiring at that date 13,045 men to increase the number of all these companies to 100, rank and file, each. But since the passage of the acts of the 8th and 10th of February last, and especially since the proclamation calling out the militia in mass, so many have volunteered that there is a fair prospect of the deficiency being filled up without a draft, or by a comparatively small one.

It is, however, to be apprehended that the large class of persons which it has been deemed necessary to exempt from whole or partial service, with the many who have been and may be improperly exempted by the boards appointed to pass upon claims for exemption, may diminish materially the number of recruits for the volunteer force. I have no means of ascertaining what number have joined that force since the returns were made. Many companies have recruiting officers in Richmond and other places, particularly the counties and cities whence they came. At this office 345 volunteers are registered for different companies. Ninety-nine out of 198 regiments of militia of the line have made returns, many of them confused and imperfect. Corrections have been made, as far as practicable, at this office. The tabular statement which is herewith sent gives results, without names of counties and cities, which could not be included without delaying this report at least another day. The whole can be given, if required, now, or when all the returns are in. The portions of the State occupied by the enemy contain fifty-two regiments of militia of the line, from which no returns are to be expected.

Very respectfully, your obedient servant,

WM. H. RICHARDSON,
Adjutant-General.

[Inclosure.]

Statement of the number of volunteer companies reported to this office to morning of March 19, 1862.

Number of companies	408
Strength at date of report	27,898
Total required to increase each company to 100, rank and file	13,045

MILITIA.

Whole number of regiments of the line	198
Number of regiments in counties in possession of the enemy	52
Number of regiments which have reported	99
Number of men reported for enrollment	37,661
Number who failed to report	3,659
Number who claim exemption	7,687
Total	49,007

WM. H. RICHARDSON,
Adjutant-General.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Montgomery, Ala., March 20, 1862.

General DUFF C. GREEN,
Quartermaster-General, Mobile:

GENERAL: The salt question is hourly increasing in magnitude and importance. The people of the Confederate States require full 6,000,000 bushels at the lowest calculation, and unless they are absolutely forced to it not 1,000,000 will be made, assuming of course that the blockade is to continue. They can only be forced to the manufacture of the article by having to pay an enormous price, or finding that they cannot get it on easy terms. Salt is in very great demand here, and every artifice and fraud is resorted to by speculators both in this State and Georgia. The Liverpool is $25 per sack in Richmond, and I believe that here all we have would be readily taken up at $20, but Pickett is dealing it out by the smallest quantities, rarely more than one sack to a purchaser, and then only when it is certain that it is wanted for actual consumption. The Governor is of opinion that we should make arrangements at the very earliest day to get all the State holds away from New Orleans and under our own control, and with this view wishes you as soon as you can spare the time to go to New Orleans and make the necessary arrangements for its shipment. He will, probably, by the next mail inclose you a letter to Governor Moore, of Louisiana, to aid you, officially if need be, in securing its removal.

Very respectfully, your obedient servant,
GEORGE GOLDTHWAITE,
Adjutant and Inspector General, Alabama.

GENERAL ORDERS, No. 1.

HEADQUARTERS,
Richmond, Va., March 20, 1862.

To avoid the danger, if not the certainty, of frequent collisions, and the consequent destruction of life and property, as well as obstruction to all transportation, it is absolutely necessary that the movements of railroad trains should be under one undivided control.

These considerations make it imperative that all trains should be regulated in their movements and speed only by their conductors and engineers, in accordance with the regulations and time-tables of the company. All the operations of a road should be controlled by its superintendent or other authorized officer, and all orders for transportation of every kind and the movement of every train will be directed through him when the exigencies of the service demand a variation from the regular schedule. Disregard of this rule will inevitably be attended with disastrous consequences.

By order of General R. E. Lee:

W. H. TAYLOR,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 2. HEADQUARTERS, *Richmond, Va., March 21, 1862.*

The following directions, received from the Governor of Virginia, for the recruiting of the volunteer regiments of the State now in service, are published for the information and guidance of the commanders of armies in Virginia:

GENERAL HEADQUARTERS, ADJUTANT GENERAL'S OFFICE, VIRGINIA,
Richmond, March 20, 1862.

Directions for executing the several laws calling out a force to fill up the volunteer companies of Virginia now in service and for executing the proclamation of the Governor calling out 40,000 militia:

1. Officers commanding encampments of troops or places of rendezvous to which the militia are ordered are authorized, if a sufficient number do not volunteer to fill up the companies from Virginia now in service to 100 each, rank and file, to order a draft from the force so arriving sufficient for that purpose. As far as practicable each militiaman is to be assigned to a company from the county, city, or town from which he comes, or from the county, city, or town nearest thereto.

2. If at the time the new men are put into the old companies any man in such old company shall refuse to re-enlist such man will be entitled to his discharge when his term of service expires, and one of the new men shall be retained to take his place.

3. The men so refusing to re-enlist will be reported to the adjutant-general of the State, with their ages, residence, time of expiration of service, and the company and regiment to which they belong.

4. If the number of men constituting the militia force sent to the rendezvous under the Governor's proclamation is not sufficient to fill up the companies now in service to the prescribed standard, that fact will be reported to the adjutant-general of the State, and the number deficient will be stated to afford data for a new draft to fill up these companies.

5. Artillery companies equipped as light batteries of six pieces must not exceed 150 men, rank and file. When they contain not less than 120, rank and file, they will be entitled to an additional second lieutenant.

6. All companies except artillery companies will have each a captain and three lieutenants.

7. The term of service of militiamen, taking the place of volunteers refusing to re-enlist, or who are put into the companies to fill them up to 100 each, will be for three years, deducting therefrom any previous terms they may have served.

8. Any militiaman before he shall be mustered into the service of the Confederate States will be allowed to furnish an able-bodied man, not liable to duty in this or another State, well clothed, as his substitute; but if a foreigner he must have declared his intention of becoming a citizen of Virginia or of the Confederate Government.

9. After the companies now in service are filled up, as hereinbefore prescribed, and when new companies are formed by consolidating remnants of companies of militia, they will be organized by being directed to elect their officers. Commandants of encampments are authorized to detail suitable officers to superintend these elections and see that they are fairly made. A majority of all the men on the roll is required to make an election. After the election of company officers

the superintendents of elections will report to the adjutant-general of the State the names of those elected, the arm of service, regiment, and company for which the election is made.

10. The commissioned company officers will be ordered in like manner to elect the field officers of their regiment or battalion where a battalion has not been formed into a regiment, except the battalion of the provisional army of the State, the officers of which are not to be elected.

11. The field officers of a regiment are to be one colonel, one lieutenant-colonel, and one major.

12. Commandants of encampments are authorized to appoint a superintendent for the election of field officers, who will return to the adjutant-general of the State as soon as the election is made the names of the officers elected and the regiment for which elected, with the arm of service.

By command of the Governor:

WM. H. RICHARDSON,
Adjutant-General Virginia.

By order of General R. E. Lee:

W. H. TAYLOR,
Assistant Adjutant-General.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Montgomery, Ala., March 22, 1862.

General DUFF C. GREEN,
Quartermaster-General, Mobile:

GENERAL: I telegraphed you this morning, under the instructions of the Governor, to furnish no more clothing to any companies except for cash. We have been forced to adopt this rule by the difficulties the State has met with in the collections, resulting frequently from the change of stations of companies and regiments; the impossibility of obtaining the information as to the time of their payment; the impossibility of following them on pickets and outposts where companies and regiments sometimes remain a week at a time; the death, absence, or resignations of the officers who execute the commutation receipts, and various other causes, such as captains getting drunk and gambling off the commutation money. Then again the necessity does not now exist which existed when the principle was adopted. The Confederate Government had no clothing and our troops could not be kept in the field without a supply from some quarter, and there was no other source than the State. Now, the Confederate authorities have, as they advise us, plenty of clothing, and to-day the Governor received a letter from Mr. Benjamin saying that he would send 5,000 suits, or rather clothing, for 5,000 men for our new levies. He will be requested to send the amount required for 3,000 more. The Confederacy has a right to issue clothing in the place of the money, and if the State depended on the commutation money it might be leaning on a broken staff. The men will get their bounty money and can devote a portion of it to the purchase of clothing, and if they don't choose to do this they must look to the Confederacy to supply them, and the Confederacy is prepared with the clothing to do it. If they get the clothing from the State it must be paid for. We have $150,000 now outstanding, and shall have great trouble and loss before one-half of it is ever collected. Have written in great haste.

Very respectfully, your obedient servant,

GEORGE GOLDTHWAITE,
Adjutant and Inspector General, Alabama.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., March 22, 1862.

His Excellency JEFFERSON DAVIS:

DEAR SIR: I have the pleasure to inform you that in response to your requisition on Georgia for twelve additional regiments of troops she now tenders you thirteen regiments and three battalions. There are six regiments and one battalion, which will, it is believed, soon recruit to a regiment, at Camp McDonald; three regiments and a battalion and one artillery company at Camp Stephens, and four regiments and a battalion of nine companies, which will no doubt soon be filled up as a regiment, at Camp Davis. I hope in a few days to be able to report two regiments of cavalry. I tender all these troops and ask that they be accepted for three years or the war. As the State has much more than filled the requisition made upon her by you through the Secretary of War, I have a request to make on my own account and in behalf of some of these regiments. I am informed that you have authorized Colonel Cobb to increase his legion to 5,000 men, and that you will probably permit him to take part of the regiments which you demanded as the State's quota. In that case I request you to extend the same privilege to Colonel Phillips, who commands the other legion from this State known as Phillips' Legion, and that you permit him to connect with his legion such regiments as I have tendered beyond the quota which you required as desire to join his legion. I believe every intelligent Georgian acquainted with the two men will admit that it is no disparagement of Colonel Cobb to say that Colonel Phillips is every way his equal as a military man. In consideration of all the past I feel that this is but a reasonable request, and trust you will not find it inconsistent with your sense of justice to grant it.

I have the honor to be, very respectfully, your obedient servant,
JOSEPH E. BROWN.

STATE OF LOUISIANA, MAYORALTY OF NEW ORLEANS,
City Hall, March 22, 1862.

RESOLUTIONS PASSED BY THE COMMON COUNCIL OF THE CITY OF NEW ORLEANS.

Whereas, the New Orleans and Texas Railroad Company has been fully organized for and is now engaged in the construction of its railroad from New Iberia, on Bayou Teche, to Orange, on the Sabine River; and

Whereas, the completion of this link of road will give us railroad connection with all parts of Middle, Central, and Southern Texas by means of the railways already finished in that State, and thus open to us an avenue through which we will be enabled to receive full and constant supplies of meat and breadstuffs, not only for consumption in this and neighboring cities, but an inexhaustible supply of beef to subsist the armies of the Confederacy, both of which are considerations of great moment at this time, as the contracting of our lines of military defense in the West has to a great extent cut off our supplies from that source; and by the construction of this short railroad we will become independent of the Northwest for a time for our supplies of beef, &c., Texas furnishing enough for the consumption of all the cotton States; and

Whereas, the military importance of this road is superior to all other considerations at this time, as it would enable Texas to throw

large numbers of troops to this point or other places on the Mississippi River at very short notice and furnish us with army supplies in greater abundance and at cheaper rates than can be obtained from any other source, this line of communication not being liable to attacks from the enemy; as the whole line of sea-board south of it is a continual sea marsh, perfectly impassable, and the rivers which it crosses impracticable for gun-boats or other hostile craft, as they cannot be entered by vessels drawing over three feet of water, hence this line of road will be better protected by nature than it could be by a cordon of military posts, as they might be taken or avoided, but this sea marsh is invulnerable. Without this road Texas is entirely isolated from the balance of the Confederacy. With it she will be closely annexed to it and add vastly to its strength and resources and be the means of furnishing us with very considerable war munitions which are being received through Mexico and Texas ports, and which war materials could be greatly increased in quantity if means of transportation existed between the Sabine and the Opelousas Railroad, which this road will furnish; and

Whereas, the construction of this railroad will undoubtedly furnish the city of New Orleans and the Confederate Government a supply of beef and other provisions at a saving on present cost of a sum annually equal in amount to its estimated cost, and its existence as a means of military transportation will be equivalent to an army of 50,000 men: Therefore be it

Resolved, That the New Orleans and Texas Railroad is a military necessity of the first class, and its immediate construction of vital importance to the best interests of the country, not only as an absolute necessity for Louisiana and Texas, but also as a great national want and as a line of military defense for the coasts of both States, and means for the rapid transit of troops and army supplies.

Resolved, That we call the attention of the Louisiana delegation in Congress to this matter and earnestly request them to press the immediate consideration of the subject upon the Government at Richmond and to use their influence and position in obtaining for this company such assistance from the Confederate Government as it may require to enable it to prosecute its work to rapid completion, as we deem it eminently entitled to such aid.

Resolved, That certified copies of this preamble and resolutions be forwarded to our delegation in Congress and to the Secretary of War; also a copy to the officers of the New Orleans and Texas Railroad Company.

S. P. DE LABARRE,
President pro tempore Board of Aldermen.
JULES BENIT,
President pro tempore Board of Assistant Aldermen.

Approved March 20, 1862.

JOHN T. MONROE,
Mayor.

EXECUTIVE OFFICE,
New Orleans, March 25, 1862.

I approve fully the object of the foregoing resolutions, and recommend prompt action thereon by the Confederate Congress on the subject-matter.

THO. O. MOORE,
Governor of Louisiana.

RICHMOND, VA., *March 22, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War:

SIR: In your letter to me explaining the transfer of my command from that of Major-General Huger to that of Major-General Johnston you stated that the former reported my brigade as supernumerary in his department.* I have heretofore asked the War Department, and also General Huger himself, for a copy of that report, in order that I might see in what respect it affected my command or my reputation. Failing as yet to obtain the copy requested, I respectfully repeat the request for it. If General Huger made any representations respecting my legion, I take occasion to say that he was and is wholly ignorant of its condition, either as to the number of men, their outfit and equipments, or their discipline; and if upon his report it is contemplated to disband the legion as a distinctive and independent force, such as General Lee decided it to be whilst serving under his orders in Western Virginia, I desire to be allowed the privilege of being heard on that point.

In the spring of 1861 I was granted leave by the President to raise 2,000 men, and as soon as raised I was to be commissioned a brigadier-general; but before one man was mustered in the President, at his own instance and solicitation, commissioned me and ordered me to the Valley of Kanawha. He commissioned also one colonel, one lieutenant-colonel, one major, one assistant adjutant-general, two surgeons, two assistant surgeons, and one recruiting officer, and these officers, without companies, battalions, or regiments, then constituted my brigade. I was to raise not only a legionary force independent in its character, but the brigade attached to it, and that was to constitute my command. The forces attached were the Virginia State troops in the district to which I was assigned, commanded by Colonel Tompkins, and which were not then, in May, 1861, transferred to the Confederate control; and this force then consisted of but 600 raw volunteers. My brigade, then, all told, was but the officers of my legion named and the 600 State troops under Colonel Tompkins. Could this constitute a brigade in June, 1861? The President and Department so decided, and I took command and faithfully executed it according to my commission. In raising men particularly it was successful—eminently so, considering the disaffected state of Western Virginia, the competing for recruits by General Floyd in Southwestern Virginia, the shortness of time, and the very few facilities afforded to Colonel Tompkins and myself. He raised his command to about 1,800, and I mine to 2,850, from June to the middle of August, 1861. He had two regiments and the legion had thirty-one companies of infantry (three regiments and one company for a fourth), four companies of light artillery, with nine pieces fully mounted and equipped, and eight companies of cavalry. These were all organized and in actual service, and besides these were seven companies under Colonel Tyler and five under Lieutenant-Colonel Green, who had joined the legion but were not in the field, and several more ready to join—enough quite to make two additional regiments. But there were forty-three companies of all arms in the field, and discounting from their numbers all discharged, on leave, and in hospital, I left at Camp Defiance, on Big Sewell, in September, 1861, about 2,450 most efficient men, and twelve companies besides elsewhere,

*See Benjamin to Wise, Series I, Vol. IX, p. 164.

making in all fifty-five companies, when I was ordered to transfer the command to General Floyd.

By an understanding with General Lee in the west, and with the President and yourself on my return to Richmond and recovery from a protracted illness of eight weeks, the legion was to be restored to me, except the companies raised in Western Virginia for its defense who might elect to remain, and excepting one battery of light artillery. Now, what has become of all this force of the legion? Lieutenant-Colonel Swank and Major Brown, of my third regiment, were superseded by Colonel Starke and Major Sweeney, and the ten companies of that regiment taken for the defense of Western Virginia were sent to South Carolina, and have since been moved back to Goldsborough, N. C. One company (Captain Crane's) was disbanded. Captain Wallace's company was put in its place, and that, too, has just been disbanded. Five companies were sent to Georgia. Nineteen companies of infantry were captured at Roanoke Island. Two companies of light artillery have been detached and left under command of General Huger, and the term of service of one has expired and they are out of service, and two companies of my second regiment, the Fifty-ninth Virginia Volunteers, have been left in hospital at Lewisburg, and the term of one company of cavalry has expired, and it is out of service. I have, without consulting me, been deprived of forty-two companies out of fifty-five, and yet have sixteen companies left, three new companies having organized and joined me before and since the affair at Roanoke Island, besides having filled up several companies on parole with new and additional men. The legion still has nine companies of cavalry under Colonel Davis, five of infantry under Lieutenant-Colonel Richardson, and two under Colonel Tyler, subject to my orders, besides the two companies of my second regiment at Lewisburg, still under orders to join me, under Colonel Henningsen, and the two companies and five pieces of artillery at Great Bridge, in the department of General Huger, and besides the ten companies of my third regiment at Goldsborough, N. C. Eighteen companies are still under my orders, numbering nearly 1,200 men, and I claim that twelve ought, according to promise, to be restored to me, numbering about 800 more, making the original number of 2,000 men; and I ask the question most respectfully, how the legion can be adjudged supernumerary in March, 1862, with a full organization, and from 1,200 to 2,000 men belonging to it, when in June, 1861, it was made a brigade with but eight officers and not one man, company, battalion, or regiment, and with but 600 State volunteers attached to it?

I respectfully submit this general statement of facts and this view of legal and logical deductions in order to have the full force of my legion restored to my command and to preserve its existence as a distinctive and independent force. I beg that this all may be referred to General Lee and then to the President, in order that I may have a decision on the questions—first, Shall the forces of my legion be restored to me? If not, may I be allowed to recruit it to its full complement? Or as a legion and originally constituted, is it to be disbanded? I ask for an early reference and decision, and am,

Very respectfully, your obedient servant,*

HENRY A. WISE,
Brigadier-General.

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*See Wise to Randolph, Series I, Vol. IX, p. 422.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, March 22, 1862.

MESSRS. JOHN FRASER & CO.,
Charleston:

GENTLEMEN: I sent you dispatch that the Government desired to take the Economist at £15,000, and wrote that we would take £12,000 for the Gladiator. As soon as we hear whether these proposals are accepted remittance will be made of amount due. I have now to request that you assume control of the cargo of the Southwick, which must be in Nassau now, in the same manner as you did for the Gladiator. By our letters the Southwick was to leave for Nassau only five days after the Economist, and was to stop at Nassau for orders. If she meets Mr. Heyliger there he will probably have assumed control. If deemed expedient she might attempt to run the blockade without breaking bulk, but not knowing what her speed is, I dare not give any orders. If, therefore, you are willing to assume control of her and will exercise your own judgment as to the best mode of getting in her cargo, whether by running in or breaking bulk into small steamers, I shall be greatly indebted to you. You have been so fortunate in your various attempts that I have the fullest confidence in your judgment and prudence and in the agents you have selected. I inclose a letter for Mr. Heyliger, whose advices, per Cecile, are just now at hand, informing him of my request to you and authorizing him to act as agent for the Government in regard to the Southwick in any matters that may occur in Nassau. I also inclose a letter for Capt. Caleb Huse, which please forward.

I am, yours, respectfully,

J. P. BENJAMIN,
Acting Secretary of War.

[Inclosure No. 1.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 22, 1862.

LOUIS HEYLIGER, Esq.,
Nassau, New Providence:

DEAR SIR: I have just received your letter per Cecile, seventeen days after her departure. You will be gratified to learn of the safe arrival of the Economist with a full cargo, and we have every reason to hope that the Southwick with another cargo is now in Nassau. I hereby authorize you to act in all matters as agent of the Government in regard to the Southwick and her cargo as you have done for the Gladiator with so much success. I have requested Messrs. John Fraser & Co. to act in introducing the cargo as they did with the Gladiator. You will consult with their agent and determine whether it is best to send the vessel to one of our ports or to break bulk and ship the cargo in parts, as was done with the Gladiator. I feel that at this distance it is much safer to intrust the decision of such a question to discreet and reliable agents on the spot rather than attempt to control by positive orders.

Your settlement with Captain Bird is approved, and arrangements have been made with Messrs. John Fraser & Co. for the payment. I have, however, offered them the Gladiator as she lies in Nassau at £12,000, and I hope they will take her, as I am sure we will not be able to use her again, as she will be a marked vessel and the enemy will keep a strict watch on her movements. As soon as the cargo of

the Southwick is cleared from Nassau your services there will no longer be required, and you will be at liberty to return home by the first convenient opportunity, and I hope to be able to take advantage of your kind offers of service in some other sphere. I am now, as you will see by my signature, merely Acting Secretary of War, having been assigned by the President in the organization of his permanent Cabinet to the post of Secretary of State. Your friends are all well and unite in remembrances of kind regard.

Yours, very truly,

J. P. BENJAMIN,
Acting Secretary of War.

[Inclosure No. 2.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, March 22, 1862.

Capt. CALEB HUSE,
Liverpool:

SIR: In my letter of the 10th instant I omitted to say that the Surgeon-General had requested Mr. A. C. Evans, of London, to make purchase of certain drugs and medicinal supplies, to be forwarded to us. I beg you will put yourself in communication with Mr. Evans, and provide the funds to the extent of £20,000 for medicinal supplies purchased by him, and forward these supplies with any others that you may send forward. I again repeat, send us small-arms and powder or saltpeter, to neglect of everything else, if necessary. We find such difficulty in sending bills abroad that the Secretary of the Treasury is shipping cotton as a remittance. It will go to Messrs. Fraser, Trenholm & Co., and if we can find means of getting it out will have no difficulty in keeping a large cash fund in Europe.

Your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

P. S.—I assume control of the State Department in a day or two, and sign myself Acting Secretary till General G. W. Randolph, the new Secretary of War, takes his place.

DISPATCH NO. 11.] HAVANA, *March 22, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War, Richmond:

SIR: Our recent reverses in Tennessee and on the sea-coast, magnified by the Northern press, have had a tendency to create doubt in the minds of our foreign friends here as to our ultimate success. I have resisted with all my power this ridiculous fear of the timid. The tone of the Havana press, though still in our favor, has been somewhat modified since our defeat at Fort Donelson. The authorities, however, are unchanged, and a Confederate victory, the announcement of which I confidently expect by the next arrival, will fully reassure our friends. I have kept our ministers and agents in Europe fully advised as to the condition of the blockade, and have forwarded printed lists of the vessels which have arrived here from Confederate ports to the 1st instant, since which time there have been fewer

arrivals than during any previous twenty days for the past four months, and I hear of more captures. This may trammel me somewhat in my efforts to interest capitalists in our trade. I shall, however, be unceasing in my exertions, and hope to keep up the interest. I have the honor to inclose herewith a copy of my note to His Excellency the Captain-General, explaining why Mr. Yancey did not call on him, with a translation of his reply, and respectfully request that you will cause Mr. Yancey to be furnished with a copy of this correspondence, as he no doubt feels some interest in the matter. I have received but one dispatch from the Department since my arrival at Havana, the date of which is November 21, 1861. I must therefore beg that you will acknowledge the receipt of such of my communications as have reached the Department, that I may forward duplicates of such as may have been lost on the way, if any. I would also very respectfully request that you make such suggestions as to my further duties here as may occur to you.

I have the honor to be, with great respect, your obedient servant,

CH. J. HELM.

[Inclosure No. 1.]

HAVANA, *March 5, 1862.*

His Excellency the Captain-General Don FRANCISCO SERRANO,
Superior Governor of Cuba, &c.:

SIR: The Hon. William L. Yancey, late commissioner to England and France from the Confederate States of America, arrived at this city on the 23d ultimo, and was desirous of calling on Your Excellency to pay his respects and renew his acknowledgments for the courtesy extended to him and Judge Rost by you when passing through Havana en route for Europe; but being informed by me that you had been recently much annoyed by the misrepresentations of anonymous, irresponsible newspaper scribblers, desired me to say delicacy alone prompted his departure without the gratification of a personal interview. In this connection permit me to say that the same reason has prevented my calling to congratulate Your Excellency on your recent promotion, which I heard with infinite pleasure.

I am, sir, with very great respect, your friend and obedient servant,

CH. J. HELM.

[Inclosure No. 2.—Translation of the Captain-General's reply.]

CHARLES J. HELM, Esq.:

DEAR SIR: Your esteemed favor of the 3d [5th] instant has been received, in which you state Mr. William L. Yancey's reasons for not honoring me with a visit in passing through this city on his return from his voyage to Europe. I am exceedingly grateful for the noble sentiment which prevented him from seeing me, but I give little importance to the unjust murmurs of those who think they see in simple acts of politeness a political meaning which they neither have nor can have. Mr. Yancey would have been perfectly well received, as will all those who show me any attention of that kind, and as you yourself will always be whenever you choose to favor me with your presence. I return you my thanks for your felicitations, and take pleasure in repeating to you that I am ever your attentive friend and servant,

FRANCISCO SERRANO.

AN ACT to provide for the further defense of the bay of Mobile and the Alabama River.

The Congress of the Confederate States of America do enact, That the sum of $1,200,000 is hereby appropriated for the further defense of the bay of Mobile, and the Alabama River, to be expended, at the discretion of the President, by the Secretary of the Navy; and that the disbursement of said money shall be made in the manner provided by law for appropriations for the Navy.

SEC. 2. *Be it further enated*, That the President is hereby authorized to raise a corps for the temporary and special service provided for in the first section of this act in the bay of Mobile and the Alabama River, consisting of a number of men not exceeding 6,000, and of such commissioned and non-commissioned officers, and of such rank as the President may deem necessary, who shall severally receive such pay and allowances as he may determine.

Approved March 24, 1862.

GENERAL ORDERS, No. 16.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, March 24, 1862.

All leaves of absence and furloughs, from whatever source obtained, are revoked; and officers and men absent from duty, except on surgeon's certificate of disability, will return at once to their respective commands. It is with extreme reluctance that the Department adopts a measure which deprives our patriotic soldiers of the relaxation they have so well earned, but the enemy presses on every side, and the necessities of the service demand new illustrations of that noble self-denial which has been so many times evinced since the commencement of our struggle for independence. The furloughs of all who have engaged for the war, which are thus curtailed, will be extended hereafter when circumstances permit. But judging from the past, no fears are entertained of an unwilling response to this call. Those who have so many times proved their devotion to their country cannot be indifferent or backward in this hour of her greatest need.

By order of the President:

S. COOPER,
Adjutant and Inspector General.

ORDERS No. 426.

HDQRS. LOUISIANA MILITIA, ADJT. GEN.'S OFFICE,
New Orleans, March 24, 1862.

I. The Governor and commander-in-chief, relying implicitly upon the loyalty of the free native colored population of the city and State for the protection of their homes, their property, and for Southern rights from the pollution of a ruthless invader, and believing that the military organization which existed prior to the 15th of February, 1862, and elicited praise and respect from the patriotic motives which prompted it, should exist for and during the war, calls upon them to maintain their organization, and to hold themselves prepared for such orders as may be transmitted to them.

II. The colonel commanding will report the organization without delay to Maj. Gen. John L. Lewis, commanding State militia.

By order of Thomas O. Moore, Governor and commander-in-chief:

M. GRIVOT,
Adjutant and Inspector General.

EXECUTIVE DEPARTMENT,
Richmond, Va., March 25, 1862.

To the HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES:

In answer to your resolution of the 21st instant, calling upon the President for information in regard to the protection of our principal cities from iron-plated vessels by means of obstructions and submarine batteries, and whether any additional appropriations are needed for these objects, I have to state generally that the channels of approach to our principal cities have been and are being obstructed according to the means at hand; that submarine batteries have been and are being prepared, and that no additional appropriations for these objects are considered to be needed. Until recently the character of the enemy's iron-plated vessels was not well enough known to arrange obstructions specially for them, but the same principle obtains and the obstructions already prepared can be strengthened when necessary. For the want of insulated wire we are deprived of that class of submarine batteries exploded at will by electricity, which promises the best results. Experiments upon several kinds of such as are exploded by impact have been in progress since an early period of the war. These torpedoes can be rendered harmless by the enemy in most cases by setting adrift floating bodies to explode them, as is said to have been done on the Mississippi River, and as they cannot be put in place so long as all the channels are required for use by our own boats no great degree of importance is attached to them. They may serve, however, to gain time by making the enemy more cautious; and most of our sea-coast defenses have already received, or will as soon as practicable receive, a certain supply of them.

JEFF'N DAVIS.

AN ACT to provide a staff and clerical force for any general who may be assigned by the President to duty at the seat of Government.

The Congress of the Confederate States of America do enact, That whenever the President shall assign a general to duty at the seat of Government, the said general shall be entitled to the following staff, to wit: A military secretary, with the rank of colonel; four aides-de-camp, with the rank of major; and such clerks, not to exceed four in number, as the President shall, from time to time, authorize. The pay and allowance of the military secretary and aides-de-camp shall be the same as those of officers of cavalry of like grade; and the salaries of the clerks shall not exceed $1,200 per annum for each. Such offices, office furniture, fuel and stationery, shall be provided for the said general as the duties of his office may render necessary, to be paid for out of the appropriation for the contingent expenses of the War Department.

Approved March 25, 1862.

EXECUTIVE DEPARTMENT,
March 25, 1862.

GENTLEMEN OF THE SENATE AND HOUSE OF DELEGATES:

Reports are now coming in from the boards of exemption created by your act of the 18th day of February last, and the results they exhibit are absolutely startling. The number exempt on account of physical disability indicates that family physicians are not the proper persons to grant certificates. Family associations and friendships

induce too much leniency, and the facility of obtaining certificates for disability invites applications for this cause, which would otherwise never have been made. One thing that has tended more than all others to produce these results is that each man who desires to procure exemption is permitted to seek the physicians he deems most facile to grant certificates, and by paying them fees for examination a mere nominal and verbal examination is made, instead of a thorough medical inspection. In some places the fee is $5, in others $10, and in some cases, as I have been informed, the applicant was not even required to appear before the board in person. I recommend, therefore, that these exemptions shall not be respected, and that you repeal your late law on this subject. Let a surgeon be designated before they are mustered into service, who shall not receive fees for certificates of disability. If they are found after proper scrutiny to be unable to perform military duty, they can be discharged and permitted to return to their homes. There is another serious objection to the law as it now stands. By far the greater proportion of the burden of the military service is thrown upon the farming and planting interests of the State. I am well satisfied that such was not the intention, but yet it is undeniable that such has been the result. The mechanics—tanners, shoemakers, blacksmiths, wagon makers, lumbermen—and manufacturers, who are realizing large profits, the employés on railroads, canals, telegraphs, and various other branches of industry are exempted. The successful prosecution of these pursuits and various branches of business requires that exemptions shall be made, but it seems to me there can be no necessity for so large a number of exemptions as have been made. The exemptions in some places have been equivalent to the dismissal of almost the whole militia in those counties. I think it is certain now that the number we shall receive under the call of the 10th instant will not exceed, if indeed it shall reach, 30,000 men. The number called for by the President was 40,000, and we have most pressing need for that or even a larger number. A word more on a kindred subject. General Holmes, commanding the Fredericksburg division of the army, has suggested to me in a late letter that it would be advisable to organize boards of officers for the examination of candidates for field officers, and if upon examination they were found deficient in the requisite qualifications for the positions to which they aspired the facts should be certified to the Executive, and no such person should be commissioned. He feels great solicitude lest the elective feature should operate prejudicially to the service, and such I know to be the feeling of other of our most distinguished generals in the field. I am well aware that it is now too late to change the elective feature, but at the same time I feel persuaded you will throw around it such safeguards as will relieve the apprehensions of our commanders and secure competent and efficient officers for the service.

JOHN LETCHER.

RICHMOND, *March 25, 1862.*

Hon. GEORGE W. RANDOLPH,

Secretary of War:

SIR: As requested, I now make to you the following communication in writing: A connection between the Richmond and Danville Railroad and the railroads of North Carolina can be made at points exactly midway between Danville and Richmond and nearly midway between Raleigh and Weldon by completing the extension of the Roanoke

Valley Railroad between Keysville and Clarksville, it is confidently believed, in less time and at less cost than can be done by any other means, while no other practicable means of connection will be at all as effectual or as useful for transportation. The greater part of the work on the extended railroad from Clarksville to Keysville has been already done. The whole distance is thirty miles. The grading and masonry on the line from Keysville southward have been completed for ten miles, and three miles and three quarters of the track at that end has been laid with iron and is now ready for use. The grading and masonry on two miles from Clarksville northward, including the abutments and piers of the bridge across the Roanoke River, built of substantial rock masonry, and the heavy embankments across the valley of the Roanoke, have also been completed. This leaves only eighteen miles of the whole line on which the grading and masonry are now to be finished. This part of the line has been cleared and grubbed out, and is stated to be the least difficult part of the work, requiring very few culverts, not perhaps more than two of any size, and the grading at no place heavy. The sills are procured and placed at convenient points along the line for the whole distance. If the iron required to complete the line was furnished and a sufficient force supplied, it is believed that an active and competent agent might complete the whole work so as to have it ready for use in thirty or at most in sixty days from the time it was fairly commenced. The cost of completing it would be principally that of the iron required, and it is understood that it may be had on reasonable terms. The Roanoke Valley Railroad—which is in operation from Clarksville to Ridgeway, in North Carolina, on the Raleigh and Gaston Railroad—and the Richmond and Danville Railroad Companies would furnish the rolling stock for the road as soon as it is completed and ready for use, or for any part of it southward from Keysville, whenever such part is completed and its use required by the Government. The Roanoke Valley Railroad Company, which has full powers for executing the work, will use those powers for the purpose, under the direction and control of the Government of the Confederate States, or of any department thereof, in any way which may be required, so that no delay need occur for legislation or contract; and the company will be willing and are ready at once to execute to the Government its bonds for any sum expended in the completion of the work, which bonds have been already prepared and only require to be filled up and executed, and are secured by a mortgage on the whole railroad from Keysville to Ridgeway a distance of fifty-two miles, and all the other works and property of the company, worth, it is believed, more than three times the amount of any such sum, after discharging the prior liens to which the property is subject. It is respectfully submitted that this is a work of great importance to the Government at this time especially, and that it ought to be undertaken and completed by the Government itself as speedily as possible; that it should not be left to the control of any other railroad company than the Roanoke Valley Railroad Company, and especially not to that of the Raleigh and Gaston Railroad Company, who propose to purchase it, and whose peculiar interests, at any event, would be to defer its completion as long as possible, or defeat it altogether.

With high respect and esteem, yours, &c.,

THO. T. GILES.

P. S.—Since the foregoing was written I have been informed that the station-houses along the extended railroad have been also com-

pleted. A communication was lately addressed to the President by Henry Wood, esq., president of the Roanoke Valley Railroad Company, on this subject, which was referred by the President to your predecessor, and by him referred to the Quartermaster-General.* If that communication is called for and examined it will be found to set forth the facts herein communicated in a more authoritative and more particular manner than is herein done. It is understood that some steps are now being taken, or at least that it has been contemplated by the Department, to build boats to form a connection by means of the Staunton and Roanoke Rivers, or to construct a plank road for that purpose. It is confidently believed that neither of these schemes would be at all effectual, the navigation of the rivers being bad at all times, and for a considerable portion of the year nearly or quite impracticable, and a plank road destroyed in our climate by heavy transportation over it almost as speedily as it is built, while either scheme would probably cost more in time and money than the completion of the railroad, with no prospect even of any return of the money to the Government. In view of these considerations it is submitted that any such schemes, if about to be undertaken, should be at once abandoned and immediate steps taken to complete the railroad. This may be done by accepting the offer of the bonds of the Roanoke Valley Railroad Company; sending an officer at once to impress a sufficient number of hands for the work in the counties of Charlotte, Prince Edward, Lunenburg, Brunswick, and Halifax, where they can readily be obtained and will in many instances be cheerfully furnished; appointing an active and competent agent to superintend them, and by having the iron procured, as it is believed it may now be, in Norfolk and sent to the points required. I will furnish any other information or give any aid I can to the execution of the work.

T. T. G.

WAR DEPARTMENT,
Richmond, Va., March 26, 1862.

I. The following regulations are adopted in place of Medical Regulations, paragraphs 2 to 6, inclusive, and General Regulations, paragraphs 1151 to 1155, inclusive, and will be obeyed accordingly:

1. An army corps or military department will have a medical officer assigned as medical director, who will have the general control of the medical officers and hospital.

2. A division will have a medical officer assigned, on the recommendation of the medical director, as chief surgeon; or the senior medical officer of the division, on the same recommendation, will be relieved from regimental duty, and placed in general charge as chief surgeon of division.

3. A brigade will be under the general medical charge of the senior surgeon of brigade, who will not be relieved from regimental duty.

4. Medical directors, chief surgeons of divisions, and senior surgeons of brigades, will inspect the hospitals of their commands, and see that the rules and regulations are enforced, and the duties of the surgeons and assistant surgeons are properly performed.

5. They will examine the case books, prescription and diet books, and ascertain the nature of diseases which may have prevailed, and their probable causes; recommend the best method of prevention, and

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*See March 7, p. 1026.

also make such suggestions relative to the situation, construction, and economy of the hospitals, and to the police of the camps, as may appear necessary for the benefit and comfort of the sick and the good of the service.

6. Senior surgeons of brigades will receive the monthly reports of sick and wounded (Form 1) required from the medical officers, and transmit them through the chief surgeon of division to the medical director.

7. The medical director will make to the Surgeon-General a consolidated monthly report of the sick and wounded from the monthly reports of the medical officers of the command.

8. Chief surgeons of divisions and senior surgeons of brigades will see that the quarterly reports of sick and wounded, and monthly statements of hospital fund required from the medical officers are transmitted to the Surgeon-General.

9. Senior surgeons of brigades will make to the chief surgeons of divisions, and chief surgeons of divisions will make to the medical director, monthly returns of the medical officers of their commands (Form 2).

10. The medical director will make to the Surgeon-General a monthly return of the medical officers of the command.

11. Medical officers, heretofore styled medical directors, who do not come within the meaning of the first of the above regulations, will be designated, as the case may be, in accordance with the second or third regulation; and medical officers, heretofore called brigade surgeons, if not attached to regiments, will be assigned to regiments not provided with surgeons.

GEO. W. RANDOLPH,
Secretary of War.

CONFEDERATE STATES OF AMERICA,
QUARTERMASTER-GENERAL'S DEPARTMENT,
Richmond, March 26, 1862.

The PRESIDENT:

SIR: The Secretary of War has referred to me a letter addressed to you by Mr. Henry Wood, president of the Roanoke Valley Railroad Company, to which I have given careful consideration. In reference to the subject to which that communication relates I have the honor to submit the following statement, based upon examination and inquiries instituted by my direction with a view to obtain reliable information in regard to the most advantageous route for a line of transportation between the railroads of Virginia and North Carolina: The track of the Roanoke Valley Railroad and all the bridges upon its line are in very bad condition. The rolling-stock of the company consists of only two engines and five or six cars, all of which are represented to be in bad order. The affairs of the company are much embarrassed, the road being under mortgage and unable to pay the interest upon its bonds, its earnings being barely sufficient to meet current expenses. Its condition in this respect may be worthy of consideration in connection with the proposition of Mr. Wood that the Government should complete the entire line of that road. It is submitted that there exists at this time no public necessity for the construction of the Keysville connection, and that if made it might soon become entirely useless in view of the

possible results of the enemy's movements in North Carolina, for should Raleigh be taken the connection thus established would be cut off. Should Weldon fall into the hands of the enemy there would still be a connection by way of Gaston, and a river route by way of Clarksville, in regard to which last it may be remarked that with forty boats suitable for the navigation of the Dan more transportation can be carried than will or can be taken from the junction to Clarksville. The Danville route by the way of Haw River and New's Ferry or Barksdale, it is estimated, can be constructed in less time than the connection between Clarksville and Keysville. This route will not be more than ten miles longer, is not difficult of construction, being free from rock, and will require neither bridges nor culverts except a single bridge over the Dan River. It will, moreover, be at least fifty miles above Raleigh. In reference to the military reasons which bear upon this subject it will be perceived that if the enemy take Wilmington or Goldsborough, the main line of railway through North Carolina will be cut off. If Raleigh be captured the connection by Gaston to Petersburg will no longer be available, nor will that by way of Clarksville and the river route. But if the Danville road be extended before the connection thus established can be endangered, the enemy will be obliged to penetrate through a hilly and broken country into the interior fifty miles west of Raleigh. It is proper to state that arrangements have already been made for both water and land transportation from Clarksville to South Boston on the Dan, which will be amply sufficient to forward all freights which can be brought to the former place. Should the enemy's movements endanger this route or require its abandonment, the line of wagons can be transferred so as to establish immediately transportation between the Danville and North Carolina railroads, thus preventing a serious interruption of communication. I respectfully return herewith the letter of Mr. Wood.

I have the honor to be, sir, very respectfully, your obedient servant,

A. C. MYERS,
Quartermaster-General.

[Inclosure.]

OFFICE OF THE ROANOKE VALLEY RAILROAD COMPANY,
Clarksville, March 7, 1862.

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

The following statement of facts is respectfully submitted to Your Excellency as information believed to be valuable to the Government of the Confederate States: The Roanoke Valley Railroad is completed from the town of Clarksville, in Virginia, to the Raleigh and Gaston Railroad at Ridgeway, in North Carolina. Under an act of the General Assembly of Virginia the Roanoke Valley Railroad Company commenced the work of extending their road to a place called Keysville, one of the depots on the Richmond and Danville Railroad, in the county of Charlotte, in this State, thus to connect by this route the railroads of North Carolina and of the other Southern States with the Richmond and Danville Railroad at the said depot, which is almost exactly midway between the city of Richmond and the town of Danville. Reference to any good railroad map of Virginia and North Carolina will afford a better view of the connection and the facilities for transportation afforded by it than any

written description could give, and such reference is respectfully asked. The entire work of the proposed extension was under contract and was progressing satisfactorily, and a very large portion of it was actually done, when the present war began and the company was thereby compelled to suspend the operations on it. At that time ten miles of the road next to Keysville had been graded and was ready to receive the superstructure, and three miles and three-quarters of the rails actually laid on that part. Two miles of the road next to Clarksville had also been graded, and all the masonry for the bridge across the Roanoke River at that part of the line, reaching 1,200 feet, and the only costly work on the whole line, was completed. The whole residue of the line not so graded had been grubbed and cleared, and all the cross-ties for the whole track had been delivered along the line ready for use. The whole line is thirty miles in extent. It will be seen, therefore, that to complete the entire line, and thus unite the Richmond and Danville Railroad to the railroads in North Carolina and south of it, along this line, nearly central between Richmond and Danville, will only require about eighteen miles of grading to be done, which is all of light character and requiring very little, if any, masonry, the superstructure of the bridge over the Roanoke River to be erected, and the iron to be procured and laid on twenty-six miles and a quarter of the road. The Richmond and Danville and the Roanoke Valley Railroad Companies can furnish the rolling-stock necessary for running the road the moment it is ready, and it is confidently believed that the whole work which remains to be done can be completed and the railroad put into actual operation by the Government in a few months. It is understood that the Government is now contemplating the construction of a plank road from Clarksville to some point on the Richmond and Danville Railroad, with a view to the proposed connection by that means. No doubt is entertained that the connection can be made by completing the proposed railroad as suggested with as much facility and at very little, if any, more cost than the plank road connection and with the great advantage of railroad transportation. The Government seems already aware of the advantages of this connection in a military point of view, and a glance at the map of the country would sufficiently demonstrate it. This representation is made on behalf of the Roanoke Valley Railroad Company, who will co-operate in any manner the Government may desire, or acquiesce in any means which may be adopted for the execution of the work.

Very respectfully, your obedient servant,

HENRY WOOD,
President of Roanoke Valley Railroad Company.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, March 27, 1862.

Hon. C. G. MEMMINGER,
Secretary of the Treasury:

SIR: I have the honor to acknowledge the receipt of your letter of the 27th of March. I fully understand the necessity which requires the use of bonds instead of Treasury notes so far as possible in meeting the current expenses of the Army, and shall be glad to co-operate with your suggestion so far as I may be able. You omitted to inform me what portion of the outstanding requisitions for Texas mentioned in my note of the 26th you could furnish at present, and within what

time you could probably furnish the balance. The Governor of Texas is so urgent in this matter that he has sent an express messenger for the purpose, who is awaiting my reply, and his own letter clearly indicates the necessity that some remittances should be made to that State as early as possible. Will you be good enough, therefore, to furnish me with an early reply. If you could send but a fair proportion in Treasury notes the remainder might, for the present, at least, be sent in bonds. I desire, if possible, to send a portion at least of the requisition by the hands of the Governor's messenger.

Respectfully,

GEO. W. RANDOLPH,
Secretary of War.

GENERAL ORDERS, No. 17.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, March 27, 1862.

The following orders are published for the direction and guidance of all concerned:

I. Hereafter the rank and file of the Army will not be permitted to carry other side-arms than those issued by the Government, or such as are appropriate to their arm of service. All side-arms now borne by dismounted troops will be turned in to the Ordnance Department, for which a fair value will be paid.

II. All requisitions made upon the Ordnance Department for a new issue of arms, accouterments, or equipments must be accompanied by evidence that such articles previously issued have been condemned by a board of survey and turned over to the nearest ordnance officer before a new issue can be made.

III. Officers, other than commanding generals, are prohibited from sending officers to the seat of government for transaction of business in person, as it may be done by correspondence.

IV. All company commanders, commanding officers of battalions, and other officers having charge of clothing, camp and garrison equipage, or other quartermaster's property, are required to make a return of the same to the Quartermaster-General at the expiration of each quarter, showing the receipts and issues during the quarter, and the balance on hand at the expiration of the quarter. This rule will also be observed with regard to the returns required by the Ordnance Department.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., March 27, 1862.

Hon. G. W. RANDOLPH,
Secretary of War, Richmond:

SIR: Under the requisition upon this State for twelve war regiments a camp of instruction has been located at Tuscaloosa, to which some companies have already been ordered, and at which from 1,200 to 1,500 troops will probably rendezvous. I would respectfully suggest that it is of the first importance that the earliest possible arrangements should be made for the payment of the bounty money to the

companies as mustered into service, as well as for the necessary supplies of clothing, tents, camp equipage, and subsistence. I have deemed it not improper to direct your particular attention to these points, from the fact that many of our companies already in camp and mustered into service have not yet received their bounty money, and in many instances are unprovided with tents, axes, camp-kettles, and blankets—some of them almost without clothing. I need not say that the effect has been not only to delay the completion of the requisition, but greatly to depress the spirit of volunteering with our people. The Confederate quartermaster at this point has exerted himself to the utmost to supply these deficiencies, but is unable to procure the materials for tents, &c., in sufficient quantities to supply the demand for the different camps. At Tuscaloosa the material for tents can speedily be manufactured, subsistence purchased at reasonable rates, and probably a sufficient supply of camp equipage obtained. If Captain Griswold, the acting quartermaster in command of the post at Tuscaloosa, is at once authorized to contract for tents, subsist the troops, and pay the bounty money, it will tend much to advance the public interests and facilitate matters at that point. I would also suggest that as the facilities for the communication of Tuscaloosa with Mobile are greater than with this place, that the funds for the purposes referred to be procured from the Government depository at that point, rather than from the quartermaster's department here.

I have the honor to be, &c., very respectfully, your obedient servant,

JNO. GILL SHORTER.

RICHMOND, *March 27, 1862.*

General W. H. RICHARDSON,
Adjutant-General of Virginia:

GENERAL: In answer to your communication of yesterday and the following resolution of the Virginia Assembly therein inclosed—

Resolved, That the Governor be, and he is hereby, requested to communicate to the General Assembly, if he is informed, and if he is not to ascertain in the promptest way for the purpose of communicating, how many troops of all arms have engaged for three years or the war in the Confederate service from this State—

I am directed by the Adjutant and Inspector General to say that he regrets the information asked for cannot be given more fully, the returns thus far received being very meager. The records of this Department furnish the following statement:

	Men.
First five companies composing a battalion	370
Companies of artillery for the war organized prior to January 1	250
New companies of artillery recently organized (nine)	957
New companies of infantry recently organized (three)	220
New companies of cavalry recently organized (two)	154
Re-enlisted	1,355
Recruits for old companies	495
Total	3,801

It is known unofficially that a large number of men have re-enlisted and many new companies have been organized who have not yet been reported to this office.

Respectfully, &c.,

V. D. GRONER,
Acting Assistant Adjutant-General.

AN ACT to authorize the organization of ten or more companies of rangers, passed March 27, 1862.

Be it enacted by the General Assembly, That the Governor of this Commonwealth be, and he is hereby, authorized to commission ten or more captains, and not exceeding twenty, and twenty or more lieutenants, and not exceeding forty, citizens of the counties in this Commonwealth now in possession of the enemy, with authority to raise ten or more companies, and not exceeding twenty, of 100 men each, to be composed exclusively of men whose homes are in the districts overrun by the public enemy, within the limits of said counties, who shall enlist for twelve months in the service of this Commonwealth to act as rangers and scouts on our exposed frontier near the lines of the enemy, and in that part of the State overrun by the armies of the enemy, with the view of cutting off their marauding and foraging parties and giving protection to the loyal citizens of the State. Whenever either of said captains and two of said lieutenants, to be commissioned first and second lieutenants, shall enlist seventy-five men, they shall be organized into a company, and the captain shall make report thereof with a list or enrollment of his men, with the names of four sergeants and four corporals (to be appointed by him), to the adjutant-general, who shall furnish the said company with such arms and ammunition as can be procured. When four of said companies shall be organized the officers thereof shall elect a major; when six shall be organized the officers thereof shall elect a lieutenant-colonel; when ten shall be organized the officers thereof shall elect a colonel. The officers so elected shall be commissioned by the Governor as major, lieutenant-colonel, and colonel of said rangers and scouts; and the said officers and privates shall receive the same pay as is allowed to the privates and officers of the infantry by the Confederate States from the return of the list and enrollment of said company to the adjutant-general and the time they shall be armed and equipped for and engaged in active service.

SEC. 2. The said officers and rangers shall be under the command of the Governor, and shall conform their operations to the usages of civilized warfare, provided the enemy on their part shall conduct the war according to the usages of civilized war. The commandants of companies shall report their operations to the officer in command, who shall report thereon to the Governor.

SEC. 3. The said companies shall be placed in such positions along our northern, western, and northwestern frontier from which they can give the greatest annoyance to the enemy and protection to our loyal citizens, in such detached parties of one or more companies, or part of a company, as will most promote the public interest.

SEC. 4. Whenever the said rangers shall be in the neighborhood of a Confederate army they shall be subject to the orders of the commandant of the same, and shall always co-operate with the movements of said army when ordered to do so: *Provided*, *however*, That the provisions of this act shall not impair or interfere with the laws providing for the quota of Virginia to the Confederate Army.

This act shall be in force from its passage.

EXECUTIVE DEPARTMENT,
March 28, 1862.

To the SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES:

The operation of the various laws now in force for raising armies has exhibited the necessity for reform. The frequent changes and amendments which have been made have rendered the system so complicated as to make it often quite difficult to determine what the law really is, and to what extent prior enactments are modified by more recent legislation. There is also embarrassment from conflict between State and Confederate legislation. I am happy to assure you of the entire harmony of purpose and cordiality of feeling which have continued to exist between myself and the Executives of the several States; and it is to this cause that our success in keeping adequate forces in the field is to be attributed. These reasons would suffice for inviting your earnest attention to the necessity of some simple and general system for exercising the power of raising armies, which is vested in the Congress by the Constitution. But there is another and more important consideration. The vast preparations made by the enemy for a combined assault at numerous points on our frontier and sea-coast have produced the result that might have been expected. They have animated the people with a spirit of resistance so general, so resolute, and so self-sacrificing that it requires rather to be regulated than to be stimulated. The right of the State to demand, and the duty of each citizen to render, military service, need only to be stated to be admitted. It is not, however, wise or judicious policy to place in active service that portion of the force of a people which experience has shown to be necessary as a reserve. Youths under the age of eighteen years require further instruction; men of matured experience are needed for maintaining order and good government at home and in supervising preparations for rendering efficient the armies in the field. These two classes constitute the proper reserve for home defense, ready to be called out in case of emergency, and to be kept in the field only while the emergency exists. But in order to maintain this reserve intact it is necessary that in a great war like that in which we are now engaged all persons of intermediate age not legally exempt for good cause should pay their debt of military service to the country, that the burdens should not fall exclusively on the most ardent and patriotic. I therefore recommend the passage of a law declaring that all persons residing within the Confederate States, between the ages of eighteen and thirty-five years, and rightfully subject to military duty, shall be held to be in the military service of the Confederate States, and that some plain and simple method be adopted for their prompt enrollment and organization, repealing all the legislation heretofore enacted which would conflict with the system proposed.

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 28, 1862.

His Excellency F. R. LUBBOCK,
Governor of Texas, present:
(Care of H. Cone, esq.)

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant by the hands of H. Cone, esq. Many of the queries of

your letter are new to me, and I regret to say, therefore, that I shall not be able to return a full answer to your very important communication until I have had an opportunity of conference with my predecessor, from whom I may obtain the data necessary for a satisfactory reply. This will not be possible in time for Mr. Cone's return. The evil of which you complain—that the regiments and companies already in progress of formation within your State seriously impede the efforts of the Executive to organize the quota which has been called for—is felt and acknowledged by the Department, and measures are about to be adopted which will, it is hoped, remove the difficulty. In the meantime all troops mustered in your State by the authority heretofore granted will be credited to the quota of the State, and will be reported or required to report to you.

The order to General Hébert for disbanding all twelve-months' regiments within his department is hereby suspended until further orders, in compliance with your joint request. The men in these regiments may in the meantime be received into your new regiments as part of your war enlistments, upon re-enlisting and reorganizing in the manner already provided by act of Congress. In regard to the funds for which you make such urgent requisition, I regret to say that I am unable to transmit them through Mr. Cone. I have referred the subject to the Secretary of the Treasury, having been informed by the Quartermaster-General that a considerable amount for which requisitions have been already made has not yet been forwarded to Texas. The Secretary of the Treasury informs me that the difficulty consists in the want of Treasury notes, especially of the smaller denominations, as bonds (which could be supplied) could hardly be made available. I shall again urge the subject upon the Secretary of the Treasury, in order that the funds may be forwarded as rapidly as the state of the Treasury will permit. In the meantime I must beg you to do the best you can with the means, both of money and of credit, at your command, in which the Government will support you to the best of its ability.

I am, respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

P. S.—As Mr. Cone has consented to wait a few days longer, in the hope of being able to obtain funds, I have determined to send this in advance by another gentleman (Mr. White).

G. W. R.

ADJUTANT-GENERAL'S OFFICE,
March 28, 1862.

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: I report herewith results of returns of the militia and volunteers to the 27th, inclusive, with a report from the Adjutant-General's Department of the Confederate States, showing the number of volunteers which have been mustered into that service. Although these last may be credited to the State, it takes off 3,801 men who, under the act of the 10th of February last, ought to have gone to fill up our volunteer corps to 100 men each. The number of volunteers registered in this office for service in different companies is now 725, including 169 from the One hundred and fifty-seventh Regiment, Roanoke County. Additional returns from the militia and volunteers

came in this morning, but could not be included in the return of to-day without delaying the report to the Legislature until to-morrow. I will report again to-morrow.

WM. H. RICHARDSON,
Adjutant-General.

Statement of the number of volunteer companies reported to this office to March 27, 1862.

Number of companies	503
Strength at date of report	33,756
Total to increase each company to 100 rank and file	16,639

MILITIA.

Number of regiments of the line	198
Number of regiments in counties in possession of the enemy	52
Number of regiments which have reported	113
Number of men reported for enrollment	44,352
Number who failed to report	4,020
Number who claim exemption	9,226
Total	57,598

[MARCH 29, 1862.—For General Orders, No. 18, Adjutant and Inspector General's Office, publishing proclamation of Jefferson Davis extending martial law over certain counties in Western Virginia, see Series I, Vol. LI, Part II, p. 517.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, March 29, 1862.

Hon. C. G. MEMMINGER,
Secretary of the Treasury:

SIR: I am informed by Mr. Cone, the bearer of my note to you this morning, that all the requisitions for Texas, mentioned in my late letter, have been filled, except the last two in favor of Maj. T. S. Moise for $350,000 and $560,000, respectively, and that if requested by this Department to prefer these requisitions you can transmit the amount by Mr. Cone in part in Treasury notes and in part in bonds. As I am informed by Mr. Cone that no arrangements have yet been perfected by which bonds could be made available in Texas for these purposes, I beg that you will send by Mr. Cone such portion of this amount as can conveniently be spared in Treasury notes.

Your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

RICHMOND, *March 31, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War:

DEAR SIR: Some weeks since, a few days before the adjournment of the Provisional Congress, Mr. Currin, of Tennessee, and myself addressed a letter to the President relative to the building of the

Little Rock and Memphis Railroad, and requested of the President, if consistent with his views, a recommendation for a loan of a certain amount of the Confederate bonds to the company in order to expedite the completion of the road. In the meantime I introduced a bill in the Provisional Congress authorizing the Secretary of the Treasury to make this loan on certain conditions and terms, and the bill was referred to the Committee on Military Affairs. The Congress adjourned, however, without disposing of the bill. The President turned over our letter to Mr. Benjamin, your predecessor in office. I have again brought the bill to the attention of this Congress, and it is now before the Military Committee of the House of Representatives. Mr. Benjamin promised me some days since to look up the letter and give us a response if he could possibly find the time. He did not, however, do this, being prevented, I suppose, by his numerous pressing engagements. In a more recent correspondence with the President on this subject he again requests me to confer with the War Department.

This road, if completed, would be of the utmost importance to the Confederate States in the present war. A glance at the map exhibiting the district of country through which it is to pass would convince you of this. We have completed the road except between Madison and White River, a distance of about sixty miles. We do not ask the Government to build the road, to take stock, or in any way to become interested in the road or liable for it, but merely to loan the company a certain amount of her bonds, upon good personal and real security, which the company can readily give to any amount. The plan we propose, as we conceive, frees the subject of all the long vexed questions arising under the Constitution out of the matter of internal improvements, and we believe there is no difficulty on this point. The Government in this matter cannot even risk a loss, much less lose anything, while she will do great service to our cause and contribute in a large degree to the means of defense of a very large and valuable scope of country now threatened to be overrun by the enemy. Keeping an eye to the seat of war (or seats of war) in Arkansas at this time, I think I may safely say the early completion of this road is a military necessity, if one can be said to exist at all. Permit me to request you to examine the letters above referred to at as early a day as you may be able to do so, and write me on the subject. An indorsement by you of this proposition would not only have great weight, but would secure the passage of the bill before Congress, in my opinion, and an early examination of the matter is respectfully solicited by

Yours, very truly, &c.,

A. H. GARLAND,
Member of Congress from Arkansas.

CONFEDERATE STATES OF AMERICA, SUBSISTENCE DEPT.,
Richmond, Va., April 1, 1862.

Hon. GEORGE W. RANDOLPH,
Secretary of War:

SIR: Yours of the 28th ultimo is received, inclosing resolution of the Senate, Confederate States of America, with regard to losses incurred recently at Forts Henry and Donelson, Fishing Creek and Roanoke Island, and on the retreats from Columbus, New Madrid,

Bowling Green, Nashville, and the line of the Potomac. Letters have been written to Maj. T. K. Jackson and Capt. John T. Shaaff (copies of which are herewith inclosed), to which no answers have yet been received. The following extract, made from report made on 20th ultimo to special committee House of Representatives, appointed under resolution of Hon. D. M. Currin, is given below, as embodying the information required, so far as attainable:

* * * * * * *

The commissary stores deposited in the city of Nashville were of two classes: First, those in the hands of Capt. John T. Shaaff, post commissary; second, those in the packing houses under the charge of R. T. Wilson and J. F. Cummings, respectively. The paper marked A exhibits what Captain Shaaff had on hand on the 31st of October, 1861. His quarterly return up to the 30th of September has recently come in; that for the fourth quarter of 1861 has not been rendered. It is to be presumed that there are sufficient reasons to explain the omission. His name was on a list of those failing to render returns, and was reported to the Auditor on the 10th of February. His duties were extensive. During the month of October he distributed supplies to Bowling Green, Columbus, Ky., and some to Montgomery, Richmond, Lynchburg, Knoxville, Chattanooga, and Atlanta, besides doing local duty, so that until the reports called for on the fall of Nashville are received from him nothing definite can be stated as to the stores in his depot at the surrender of Nashville. On the 8th instant he was called on for a report of details and of the measures taken by him to save stores. The number of hogs to be killed by Wilson & Armstrong at Nashville, Clarksville, Bowling Green, and Patriot was about 66,000. Of these about 30,000 were killed at Nashville, the number at each of the other places not being definitely known. Under General Johnston's order for the removal of the meat from Bowling Green, half of it is reported as being sent to Nashville. The quantity saved from Clarksville is not definitely known. That at Patriot is reported all saved, having been distributed through the country. Of that at Nashville, including the half of that killed at Bowling Green, and reported as brought to Nashville, one-half is stated to have been saved by R. T. Wilson, but his estimate is conjectural. It is not known in what condition this meat was saved. On Monday, the 17th instant, upon ascertaining the wishes of the committee, Mr. Wilson was telegraphed to as follows: "How much meat had you at the various points from which it has been moved? What has become of it? What proportion is saved, and how much of that is sound?" A similar telegram was sent on the same day to J. H. Craigmiles, who had charge of the hogs killed by other parties at Nashville. Mr. Wilson, in reply, thinks that probably one-half of the meat in his hands was saved. J. H. Craigmiles answered on yesterday as follows: "Butchered 30,000 hogs at Nashville; half saved in Atlanta; 30,000 hogs at Shelbyville; all saved in Atlanta and Huntsville; 18,000 at Chattanooga, removing rapidly to Atlanta; 1,000 at Cleveland, will remove to Atlanta; 1,000 at Shelbyville and Nashville, but most of it can be moved."

* * * * * * *

The plan of procuring pork was discussed in the paper read on Monday to the committee. It was begun at Bristol last July. So soon as the meat should be cured and removable without injury it was to be distributed throughout the country. It is believed that immediately after the fall of Fort Henry General Johnston ordered the meat from Nashville to be sent away, and when confusion reigned there he directed J. F. Cummings to remove that at Shelbyville. In reference to the meat at Bowling Green I inclose letters thereon which will explain themselves. The beef was mostly used as packed. No report of that has been made.

The report to the Provisional Congress discusses the necessity of securing the meat, and shows that the possible result was anticipated. The letter to R. T. Wilson exhibits the opposition of the department to the sending away to Bowling Green and to packing there; the letter to Major Jackson exhibits the controlling influence under which it was done, and the letters to Wilson show that, notwithstanding the meat was not ready to be removed, it was determined to begin the withdrawal from Clarksville before the attack on Henry. In respect to Roanoke Island, the supplies sent were for immediate use, and probably consumed. The stores subsequently sent went forward after the

surrender of the island, but before the schooners were unloaded they were withdrawn, and after two narrow escapes returned to Norfolk in safety. The report of Major Noland regarding Thoroughfare shows what was lost, and how. The place was well selected, in rear of and to support a threatening army, to drain from the country in advance of our lines at a place locally defensible, and having running water necessary for a packing establishment, and having railroad connections to supply the spareribs, heads, and other offal to the men.

I am, very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General.

[Inclosure No. 1.]

DEPARTMENT COMMISSARY-GENERAL OF SUBSISTENCE,
Richmond, Va., March 8, 1862.

Maj. THOMAS K. JACKSON,
Chief Com. of Subsistence, Army of the West, Decatur, Ala.:

MAJOR: The Commissary-General directs that you send him as soon as practicable a report of the subsistence stores which are represented to have been destroyed or abandoned at Bowling Green, Clarksville, Nashville, and other points (recently under your supervision) now in the hands of the enemy, and that you will also report what measures were taken by you to have said stores removed to a place of safety, and as near as possible the quantity of each article saved and where stored at this time.

Very respectfully, your obedient servant,

T. G. WILLIAMS,
Major and Commissary of Subsistence.

[Inclosure No. 2.]

DEPARTMENT COMMISSARY-GENERAL OF SUBSISTENCE,
Richmond, Va., March 8, 1862.

Capt. JOHN T. SHAAFF,
Com. of Subsistence, C. S. Army, Murfreesborough, Tenn.:

CAPTAIN: The Commissary-General directs that you report to him as soon as practicable the amount of subsistence stores recently destroyed or abandoned upon the evacuation of Nashville, and what measures were taken by you to have the subsistence stores at that place saved from destruction or the hands of the enemy, and as near as possible the quantity of each article saved, where now stored, and the total amount lost at Nashville.

Very respectfully, your obedient servant,

T. G. WILLIAMS,
Major and Commissary of Subsistence.

[Inclosure No. 3.]

SUBSISTENCE DEPARTMENT, C. S. ARMY,
Richmond, Va., January 3, 1862.

Mr. R. T. WILSON,
Commissary Agent, Nashville, Tenn.:

SIR: I have just mailed a letter written to you yesterday in reference to the order from General Johnston to which you refer for curing pork at Bowling Green for the use of the Army. I must inform you that the funds you have received from this department have been obtained on special application on repeated declarations of its imperative necessity to insure a reserve of salt meat. These funds have

been granted by the War Department, superseding other requisitions from this and other departments on this declaration. Whatever bacon you cure with these funds is to be held as a reserve when all other resources fail. If General Johnston wishes you to buy and cure meat specially for his army and for immediate use, not as a reserve for the Army in general, it should be done by arrangement with Major Jackson, and from funds placed in his hands for the current expenses of his troops. If he does not receive the funds drawn for, and calls on citizens employed for a special service by this department to supply meats, then such supplies as are directed you will offer, and such as have been prepared for the general reserve you will retain, under your contracts with this department. If you are forced to surrender your pork before it is made into bacon, it must be by actual compulsion, throwing the responsibility upon the officer who compels you. It is my opinion that as long as the Army can be supplied otherwise no military commander has a right to control the operations of this department except in respect to the staff of his own troops, but not in respect to general operations. You and those acting with you under similar obligations have also rights to be respected. On the principles now communicated will your ultimate settlements be made. It is desirable that no unpleasant opposition should arise, but this matter should be understood and settled. If General Johnston will respect these views as coming from yourself, it will be very agreeable. If not, then I will have to refer for a decision of the question to the War Department. Let me hear from you as soon as possible. If your box meat is condemned because it does not look red, perhaps, cook some and get the general or commanding officer to try it. If not spoiled, make a struggle against the board of survey.

Very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General of Subsistence.

[Inclosure No. 4.]

OFFICE OF THE PRINCIPAL COMMISSARY, WESTERN DEPT.,
Bowling Green, Ky., January 11, 1862.

Col. L. B. NORTHROP,
Commissary-General of Subsistence, Richmond, Va.:

COLONEL: I have the honor to acknowledge the receipt of your letter of the 1st instant, inclosing a copy of your communication to Mr. Wilson respecting the orders of General Johnston for salt meat from Clarksville, and his orders to pack pork at this place. I have presented the matter to the general, and he instructs me to say that he fully appreciates the expediency of economizing the salt meat which you are having prepared throughout the country, but that circumstances demand the immediate storage of a good supply of that article at this point, not for present use, but as a security against embarrassment should the enemy succeed in rendering the supply of fresh meat uncertain, a contingency which ought not to be disregarded, and which from the preponderating force of the enemy may be apprehended. The orders of the general to your agents for salt meat from Clarksville and his order to pack pork here, though imperative, are not, he believes, incompatible with your views of the necessity of holding as much of it as possible to meet the wants of the Army during the ensuing spring and summer.

Very respectfully, your obedient servant,

THOMAS K. JACKSON,
Major and Principal Commissary, Western Department.

[Inclosure No. 5.]

SUBSISTENCE DEPARTMENT, C. S. ARMY,
Richmond, Va., March 11, 1862.

MR. R. T. WILSON,
London, Roane County, Tenn.:

SIR: Your letter of the 1st instant reached here on the 8th. My report to the resolution of Congress showed that a due regard to the possible contingency of injury from the enemy was entertained, and our consultation and schedule of places before you left Richmond exhibit the intention as soon as the meat was ready to be received that it was to have been distributed to various points of the interior. This precaution was determined on, although the commanding general had preferred a reserve at Bowling Green. In face of this fact, known previous to your departure from Richmond, it was not reasonable to risk the injury of moving meat not ready. I am happy to find by your letter that on your return and before the fall of Fort Henry you, concluding that the meat at Clarksville and Nashville was sufficiently salted to bear removal, and that the roads preferred taking it in packages, had begun to put it up for transportation southward; also that the fall of Henry caused you to change your proceeding, and at once resort to the most rapid removal in your power. You will please endeavor to collect all further information possible respecting the quantity destroyed or abandoned and communicate thereon. I am sorry that your private loss has been so heavy, and glad that your attention has been devoted to the care of the public property. When you write give details on this feature of the affair.

Very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General of Subsistence.

[Inclosure No. 6.]

ORANGE COURT-HOUSE, VA., *March 27, 1862.*

COL. L. B. NORTHROP,
Commissary-General of Subsistence, Richmond, Va.:

COLONEL: By your letter of the 24th instant I was instructed to render to you a report of my operations at Thoroughfare, Va., to report the reasons for the destruction of the meat packed under my direction at that place, the amount packed, the quantity brought away, and how much was abandoned or destroyed on the movement of the Army of the Potomac at Manassas. In compliance with these instructions I have the honor to report as follows:

		Pounds.
The amount of pork received at the packing house at Thoroughfare, according to a statement from the books of the agent (being the gross weight of the dead hogs), was		1,510,819
Of which there was sent off at different times, viz:		
To Captain McKinne, at Manassas, pork, bacon, and lard	267,518	
To Wortham & McGruder, for sale, lard	30,929	
Sold and issued to army, faces, ribs, &c	155,663	
To Gordonsville and Orange Court-House, pork and bacon	546,600	
To Warrenton, by wagons, bacon	90,000	
Loss in weight from shrinkage 12½ per cent	188,852	
Total amount of pork, &c., sent from Thoroughfare		1,279,562
Balance of pork, lard, &c., left at Thoroughfare		231,257

		Pounds.
Amount of beef packed at Thoroughfare (net)	1,195,914	
Amount sent to Captains McKinne and Vaughan	1,037,260	
Amount sent to Warrenton	15,000	
Amount consumed by hands and guard	5,092	
	1,057,352	
Balance of beef at Thoroughfare		138,562
Total amount of meat left at Thoroughfare		369,819
Of this amount there was given to the people of the neighborhood, and to the parties engaged in hauling meat to Warrenton, about		200,000
There was burned about, say		169,819
Total amount destroyed and given away		369,819

There were also burned about 500 hides and a large amount of tallow which had been sold and delivered to George S. Ayre; also two large slaughter-houses and seven house cars. The packing and smoke houses were so near to private property that they could not be burned without destroying it, and they were therefore ordered to be torn down and carried off. All the neat's-foot oil, about 300 gallons, was sent to Warrenton. As for the reasons for the loss exhibited by the foregoing statement, I consider it sufficient to state the facts connected therewith, and to express the opinion that it was not the result of remissness of any one connected with your department. I received from you notice of the proposed evacuation of Manassas on the 21st of February, two weeks before it occurred, and could I have obtained the transportation by railroad which was promised all the property at Thoroughfare could have been removed during the first week; or had I been told that such transportation could not be had I could have removed it all by wagons to Warrenton within the time, but I was not aware of that fact until the day before the evacuation occurred. I came to Thoroughfare on the 22d. Orders were given to stop the slaughtering of cattle and hogs and arrangements made for sending the meat to Mount Jackson and Orange Court-House. Mr. Stuart went on the 24th to Mount Jackson, appointed an agent, and had a house erected to receive the meat. Mr. Hunton was sent to Orange Court-House to get buildings and to secure the meat as sent. By the 26th Mr. Stuart had made arrangements with the superintendents of the railroads for the transportation of at least 200,000 pounds per day. The meat was taken from the houses and placed on platforms for convenience of loading the cars. The force of hands was increased, and every possible arrangement on our part was made for sending off the property. The cars promised by the superintendents were not furnished because, as I was informed, the Government had taken control of the transportation.

On the 28th ultimo, at the instance of Major Cole, we had an interview with Major Barbour, chief quartermaster, who promptly gave an order for such transportation as I needed; but although every effort was made both by Major Cole and myself, as well as by Mr. Stuart (who proved himself in this, as he has in all other matters of business, a most efficient and industrious agent), but forty-five cars could be had, which were promptly loaded and sent off. Up to the 8th instant continual calls were ineffectually made for cars. They were continually promised and expected. The meat was all taken from the houses and placed on scaffolds ready for loading, and remained in that exposed condition for six days. During this time only seven

cars were furnished and they were never taken away, although many trains passed the point and several of them were entirely empty.

On the 8th instant I received an order from Major Cole, commissary of subsistence, to destroy all the meat which was not removed by the 10th instant; but on consultation with General Johnston and himself on the following day at Manassas I was authorized to use my discretion and save from destruction as much as possible by hauling it to Warrenton by wagons and giving it away. I caused combustibles to be placed under every pile of meat for its immediate destruction when necessary. Guards were placed on all the roads leading to Thoroughfare to give notice of the approach of the enemy, and the people for many miles around were notified to send in their teams. A liberal price in money and a load of meat was offered to each person who would send a wagon. The response to the call was prompt and gratifying, and on Monday, the 10th instant, we had about thirty wagons, and others promised for the next day. On Monday night Lieutenant-Colonel Munford arrived with a body of cavalry under orders from General Stuart to destroy all the property along the line of railroad. He, finding that we were engaged in sending off the stores, actively co-operated with us, and sent through the country and impressed all the wagons which could be found. Had he remained three days longer I believe that all the meat could have been removed. His orders, however, were, as I understand, peremptory to destroy all the property left at Thoroughfare on Tuesday at 12 o'clock. On that day we loaded and sent away about fifty wagons, and then under his orders the remaining property was destroyed, except some meat which at my request was reserved to meet my obligations to those engaged in hauling to Warrenton. At the hide depot at Manassas Junction there were on hand about 2,000 hides and about 500 gallons of neat's-foot oil. No transportation could be obtained for anything from this point, and this property (together with the furnaces, buildings, &c.) was all destroyed. I have established myself for the present at this point, but shall be governed in my future movements by those of this army.

Respectfully, your obedient servant,

B. P. NOLAND,
Major and Commissary of Subsistence.

AN ACT to enable the States assuming the payment of their quotas of the war tax to pay the same into the Treasury.

The Congress of the Confederate States of America do enact, That if any State which has agreed to assume the payment of her quota of the tax imposed by the act approved August 19, 1861, entitled "An act to authorize the issue of Treasury notes, and to provide a war tax for their redemption," shall not have been furnished with a correct collated list of the taxes assessed on the people of such State before the first day of April, 1862, the Secretary of the Treasury shall agree with the Governor of such State upon the probable amount of such assessment, and the State shall be entitled to pay the same, less ten per centum, in like manner, and with like effect, as if such payment had been made before the said first day of April: *Provided, however*, That when the corrected assessment is made out, such State shall pay to the Confederate Government or receive therefrom, as the case may

be, the deficiency or excess of the correct amount due from her on the assessment, allowing to the State the deduction of ten per centum on the deficiency, if any.

Approved April 2, 1862.

AN ACT to authorize the President to increase his personal staff.

The Congress of the Confederate States of America do enact, That during the existing war the President may, as Commander-in-Chief of the forces, appoint, at his discretion, for his personal staff, four aides-de-camp, in addition to the number now allowed by law, with the rank, pay and allowances of a colonel of cavalry.

Approved April 2, 1862.

SURGEON-GENERAL'S OFFICE,
Richmond, Va., April 2, 1862.

It is the policy of all nations at all times, especially such as at present exists in our Confederacy, to make every effort to develop its internal resources, and to diminish its tribute to foreigners by supplying its necessities from the productions of its own soil. This observation may be considered peculiarly applicable to the appropriation of our indigenous medicinal substances of the vegetable kingdom, and with the view of promoting this object the inclosed pamphlet,* embracing many of the more important medicinal plants, has been issued for distribution to the medical officers of the Army of the Confederacy now in the field. You are particularly instructed to call the attention of those of your corps within your district to the propriety of the necessity for collecting and preparing with care such of the within enumerated remedial agents, or others found valuable, as their respective charges may require during the present summer and coming winter, with the directions to forward to the medical purveyors of their district for preparation and distribution such amounts of those articles as they may be able to have collected, as well as their own supply for which they may not have storage.

Our forests and savannahs furnish our materia medica with a moderate number of narcotics and sedatives, and an abundant supply of tonics, astringents, aromatics, and demulcents, while the list of anodynes, emetics, and cathartics remains in a comparative degree incomplete. The attention of the profession should therefore be especially directed to a determination of the relative value and specific application of such of the last-mentioned classes as have been adopted in practice, as well as to the discovery of curative virtues in others of the same classes not yet introduced to public notice.

Information thus elicited, when of sufficient importance, should be communicated through the medical director of the army corps or military department to this office. Instructions relative to the procuration of a proper supply of indigenous medicinal substances will be forwarded to medical purveyors.

S. P. MOORE,
Surgeon-General.

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* Not found.

CONFEDERATE STATES OF AMERICA,
QUARTERMASTER-GENERAL'S OFFICE,
Richmond, April 2, 1862.

Hon. GEORGE W. RANDOLPH,
Secretary of War:

SIR: I have the honor to acknowledge the receipt of your communication of the 28th ultimo, inclosing a copy of the resolution of the C. S. Senate, requesting a report of the amount of quartermaster and other stores lost in the recent reverses at Forts Henry and Donelson, at Fishing Creek and Roanoke Island, and in the retreats from Columbus, New Madrid, Bowling Green, Nashville, and the line of the Potomac, specifying the loss in each case. To meet the requirements of the Senate resolution specific and detailed reports from the principal quartermasters in charge of the stores of the several armies and forces referred to are absolutely necessary. In the absence of the information, which can only be supplied by the reports of these officers, I am unable to state with even approximate accuracy the extent of the losses incurred at the places enumerated in the resolution of the Senate. These reports have been ordered, but have not yet been received. Enough, however, is known from general rumor to enable me to state that the loss of public property has been very great, and there is reason to apprehend that many essential articles abandoned or destroyed in consequence of those disasters to our arms cannot be replaced. So soon as I am placed in possession of the required information a detailed statement will be laid before you.

Very respectfully, your obedient servant,

A. C. MYERS,
Quartermaster-General.

MONTGOMERY, *April 2, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War:

Have 5,000 troops in camps. Poor men crying most earnestly for bounty. I gave assurances that it would be paid on the fact of Mr. Benjamin's letter of the 24th of February. The failure creates great discontent and demoralization. I fear the consequences unless arrangements can be promptly made for the payment. I can let Major Calhoun, C. S. quartermaster, have $100,000 in Treasury notes for the payment of most pressing companies if it can be replaced in a fortnight. Answer soon as possible.

JNO. GILL SHORTER,
Governor of Alabama.

[APRIL 2, 1862.—For Randolph to Brown, in relation to the retention of Georgia State troops in the field until Congress should act on the conscription bill, &c., see Series I, Vol. LIII, p. 228.]

BONHAM, TEX., *April 2, 1862.*

His Excellency JEFFERSON DAVIS:

DEAR SIR: When I was in Richmond last winter, you were kind enough to appoint me to the position of assistant adjutant-general,

Provisional Army, C. S., and to send me under special orders to raise five regiments of infantry in the portion of Texas lying east of the Trinity River. The Secretary of War assured me time and again that except these five regiments, which were permitted by the orders given to me to mount themselves to their place of final destination, at which point the Government was to take their horses and pay for them, no other troops would be received as cavalry from Texas, and none for a shorter term than the war. Under this assurance I expressed both to you and to the Secretary entire confidence in my ability to raise the regiments in a very short time. I returned home as expeditiously as possible, and immediately set about the task assigned me. I had hardly gotten my circulars before the people when recruiting officers sprang up all over the country calling for twelve-months' mounted men. Some two or three regiments were soon formed under orders given, as I understand, by M. T. Johnson, and now form what is known as Johnson's brigade, a portion of which has been encamped since last fall somewhere near Johnson's residence, the whole, *i. e.*, two regiments, now being encamped in Red River County, near Clarksville. Besides this Johnson's brigade, one of the same kind (twelve-months' mounted) has since my return been formed by Colonel Darnell, and one called Taylor's second regiment, formed, so far as I can learn, without other authority than Colonel Taylor's order. These last regiments have crossed over into the Indian Territory, and are, I understand, at Washita. Besides these, three other mounted regiments have been authorized by the Secretary of War since the date of my orders, viz, one to Colonel Ochiltree, one to Colonel De Morse, and one to Colonel Clark. These, I believe, are for the war, but they are to enter as cavalry. All of these regiments have been and are being organized within the limits assigned to me to raise infantry in. Some, doubtless, are unauthorized, but that makes but little difference if the Government will receive them on their own terms. It would have been very easy to raise such troops as are wanted, viz, infantry, if the policy which I assured every one on my return had been adopted by the War Department had been unflinchingly adhered to. As it is, the fine military material of this country has gone off helter-skelter, mounted on every description of animal, and generally for a short term of service. Two-thirds of their horses, even of the troops for the war, are totally unfit for any military service, while the expense to the Government of feeding them is enormous. I have never yet known a horse rejected by any mustering officer. The ordinary ponies of the country are now principally used. They have eaten Northern Arkansas to the starvation point, and are now falling back to be within reach of the supplies so abundant now in this section of country, but which, in my opinion, are too precious for these pony regiments.

I forbear making any suggestions—they would be unbecoming in me. I merely state a few facts which the Government ought to know, that some of the evils may be provided against, and to explain why my confident assertions that I could immediately raise the five regiments of infantry have not been realized. I still hope to succeed, however, under all disadvantages. Some of my minor troubles arise from the neglect in the Department to appoint a quartermaster and commissary, as promised me in my orders. Repeated letters to the Department on this point have elicited no answer, and I have not yet been placed in possession of a dollar to pay the bounty, nor for any other purpose. I hope, however, this will be speedily remedied.

With the money I could now buy at this place a very large amount of fine bacon and wheat and corn almost without limit, and it seems to me that the quartermaster to be stationed here—for at this place I have under my orders of the 3d of February established the principal depot—would save a great deal of money to the Government to buy largely and provide the army in Arkansas and north of us, instead of trusting the purchases to an irresponsible agent, who gives no bond and who acts only under an appointment given by any one of the brigadier-generals, as is now the case. If a strict inquiry was made into the Army purchases and contracts in the West, it would be found that the Government has been greatly imposed on. I hope you will excuse this long letter. I feel a deep interest not only in my country's welfare, but in the success of your Administration, and both are deeply concerned in knowing anything that is amiss in the machinery of the Government. This and a desire not to be blamed for want of success in a matter over which I have lost the control, promised to me by the War Department, are my excuses; and you are somewhat to blame yourself for the infliction, for the last word you spoke to me was to write to you as occasion required.

I am, as ever, most truly, yours,

SAMUEL A. ROBERTS.

[First indorsement.]

Acknowledge friendly and refer to the War Department for special attention.

J. D.

[Second indorsement.]

The writer is probably the person to whom Governor Lubbock referred in a late letter complaining of such authority. We were unable to find a record in the Department of authority to raise five regiments, and there is no record of the promise which the writer says he received from the Secretary of War that no other person should be authorized to raise cavalry in Texas.

JOYNES.

[Third indorsement.]

ADJUTANT-GENERAL:

The authority is in your office. Was there any promise to appoint staff before muster-rolls were returned?

G. W. R.

[Fourth indorsement.]

MAY 21, 1862.

Respectfully returned to Secretary of War. None.

R. H. CHILTON,
Assistant Adjutant-General.

[Fifth indorsement.]

No staff officers can be appointed until muster-rolls are received.

A. T. B.

AN ACT to fix the compensation of the President of the Confederate States.

The Congress of the Confederate States of America do enact, That the President shall receive for his services during his term of office, an

annual salary of $25,000, payable quarterly in advance, to commence on the twenty-second day of February, eighteen hundred and sixty-two, the time at which he entered upon the duties of his office.

SEC. 2. *And be it further enacted*, That until a suitable Executive Mansion shall be provided for the President, the rent of one suited to the purpose shall be paid by the Government.

Approved April 3, 1862.

AN ACT making appropriations for the support of the Government from April first to the thirtieth of November, eighteen hundred and sixty-two, and for objects hereinafter expressed.

The Congress of the Confederate States of America do enact, That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the support of the Government from April first to November thirtieth, eighteen hundred and sixty-two, and for the objects hereafter expressed:

* * * * * * *

War Department.—For the pay of officers and privates of the Army, volunteers and militia, in the public service of the Confederate States; and for quartermasters' supplies of all kinds, transportation and other necessary expenses, $155,000,000.

For the purchase of subsistence stores and commissary property, $29,000,000.

For the Ordnance service in all its branches, $11,000,000.

For the Engineer service, $1,800,000.

For the surgical and medical supplies of the Army, $2,400,000.

For contingent expenses of the Adjutant and Inspector General's Department, including office furniture, stationery, blanks, record books, &c., $10,000.

For incidental and contingent expenses of the Army, and of the Department of War, $200,000.

For floating defenses of the Western waters, $500,000, in accordance with the letter of the President of March 24, 1862, to be expended by the Secretary of War.

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Approved April 3, 1862.

AN ACT to amend an act approved May 10, 1861, entitled "An act to amend an act to provide for the public defense," approved March 6, 1861.

The Congress of the Confederate States of America do enact, That the act approved May 10, 1861, entitled an act to amend an act to provide for the public defense, approved March 6, 1861, be, and the same is hereby so amended as to apply also to companies received into service for duty as heavy artillery.

SEC. 2. The provisions of this act and of the act of May 10, 1861, shall extend to all companies of light and heavy artillery, which are now in, or may be hereafter received into the service, and all acts or parts of acts in conflict therewith are hereby repealed.

Approved April 3, 1862.

GENERAL ORDERS, No. 19.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 3, 1862.

The following order is published for the information of the Army, and the guidance of all concerned in the subjects referred to:

VOLUNTEERS MUSTERED OUT OF SERVICE ON THE EXPIRATION OF THEIR TERM.

I. The rolls for this purpose must contain all the names which have been borne on the previous muster-rolls from the first, or the one mustering into service, including all who have died, been captured, discharged, or have deserted since the enrollment of the company, with appropriate remarks opposite the name of each, respectively. All absentees must be satisfactorily accounted for by explanations recorded in the column of remarks. This roll, containing the information above required, will be prepared and completed at the time that the company may be discharged, and be forwarded in duplicate by the officer charged with mustering it out of service direct to the Adjutant and Inspector General's Office, War Department—one indorsed "For the Quartermaster-General." The roll will only vary from the ordinary muster-roll used for the payment of companies by the addition of the names of all who have died, been captured, discharged, or have deserted since the day of muster into service.

II. Payments upon company rolls will be made when practicable at the end of every two months—as January and February, March and April, &c. In no instance must a company be paid to a date including a fractional portion of a month, unless discharged.

III. Brigade commanders (where this shall not have been done by the commanding general of the army with which they may be serving) will designate some officer of the brigade to muster his command upon the last day of every even month, to examine and verify the muster-rolls, to see that they conform in all respects to the requirements of printed notes thereupon; and to transmit, after such examination and signing of the said rolls by him, one copy thereof for each company to the Adjutant and Inspector General, two copies of the muster and pay rolls to the brigade quartermaster upon which to make his estimates for payment of the troops, and a third copy of the muster and pay rolls to the captain or commanding officer of the company for the files of the company.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., April 3, 1862.

Hon. G. W. RANDOLPH,
Secretary of War:

DEAR SIR: Most of the regiments of Georgia troops now in the service of the Confederate States were armed, accoutered, and equipped by the State when they entered the service. The arms now in their possession are the property of the State. As the term of some of the twelve-months' regiments will soon expire, I desire to know whether the State's right to the arms will be respected and the dis-

position which will be made of the arms. I have no wish to withdraw the arms from the service at this critical period of our history; but as Georgia will continue to have in the field a large force, and as the arms belonging to her are mostly of a superior quality, I am unwilling that they should be thrown into the Confederate arsenals and distributed to the troops of other States and inferior arms placed in the hands of new levies of troops from Georgia. I ask, therefore, that the Georgia troops, whose term of service expires during the war, be permitted to return with their arms to the State, where they could be placed in the hands of other troops and sent to the field.

Of course I should expect all the twelve-months' troops who re-enlisted to retain their arms. If the arms which belong to the State are returned to her as the term of service of her volunteers expires she will have no difficulty in filling all just requisitions which may in future be made upon her for her quota of men. If I have not mistaken your character you belong to that class of statesmen known as States rights men. I cannot, therefore, doubt what will be your decision of this question.

In conclusion permit me to congratulate you upon your recent appointment to the distinguished position which you now fill and to express the hope that you may be eminently successful in the administration of the most important department of the Government. As the Executive of Georgia I beg leave to assure you of my most earnest desire to render you all the assistance in my power, and of my intention to exert all my energy for the promotion of that harmonious concord which secures the rights of the States and advances the best interest of the Confederacy. Hoping that we may yet be able to drive the invader from every foot of our territory and to establish our independence upon a firm basis,

I am, very respectfully, your obedient servant,

JOS. E. BROWN.

[APRIL 3, 1862.—For Clark to Davis, in relation to the organization of troops in North Carolina, see series I, Vol. LI, Part II, p. 528.]

[APRIL 3, 1862.—For Hébert to Cooper, in relation to the reorganization of twelve-months' men in Texas, see Series I, Vol. LIII, p. 799.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, April 4, 1862.

His Excellency JOHN GILL SHORTER,
Governor of Alabama, Montgomery, Ala.:

SIR: Your telegram of the 2d instant has been received. In reply I have the honor to inform you that measures have been taken to supply Major Calhoun with funds to pay bounty, and the money is now probably on the way to him. I think you may safely advance to him $100,000, to be replaced in a fortnight.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

PRESIDENT'S OFFICE,
ALABAMA AND FLORIDA R. R. CO. OF ALABAMA,
Montgomery, Ala., April 4, 1862.

His Excellency President DAVIS,
Richmond, Va.:

SIR: Under date of the 19th of March the Quartermaster-General requested me to suggest what should be done to perfect, with as little delay as possible, the line of communication between Selma and Meridian, now demanded as a military necessity, and whether the connection could not be made by plank road. I felt satisfied the railroad connection now in progress could be completed in less time than a plank road could be built, and, understanding that you desire its very speedy completion, I beg leave to present to you Mr. William M. Wadley, president of the Vicksburg and Shreveport Railroad, as one of the most energetic and reliable men connected with railroad service in the Confederate States. I have known him for many years, connected first with the best-managed railroads of Georgia and lately with roads in Mississippi, and I feel assured, if you deem it necessary to take possession of the line to be built for Government purposes, he will accomplish it in less time than any other person I know connected with railroad service in the South. He has mislaid letters from Mr. W. C. Smedes, of Vicksburg, to you upon this subject, and it may not be amiss to inform you that I have placed the whole line of road between this place and Selma under contract, and if I can procure the iron I can complete it within this year; and if the line west of Selma can be opened, the connection between Vicksburg and Montgomery can be made within eighteen hours.

I am, very respectfully, your obedient servant,
CHARLES T. POLLARD.

[Indorsement.]

Secretary of War for special notice.

J. D.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., April 4, 1862.

A. S. GAINES, Esq.,
Demopolis, Ala., Present:

SIR: Congress regarding an early railroad connection between Selma, in Alabama, and Meridian, in Mississippi, as important to the Government in a military point of view, lately passed an act authorizing the President to advance to the Alabama and Mississippi Rivers Railroad Company the sum of $150,000 for the purpose of completing this connection. The completion of this road, connecting, as it does, with the Alabama River at Selma, and with the Southern Railroad from Meridian to Vicksburg, at the earliest day practicable, is a matter of importance. The road from Selma to Demopolis is understood to be already completed, or nearly so. From Demopolis to Reagan, a distance of some twenty-four miles, is understood to have been in part graded, and from Reagan to Meridian, a distance of twenty-seven miles, the grading and bridging is completed and the iron in part laid down. The road from Selma to Reagan is understood to belong to the Alabama and Mississippi Rivers Railroad Company, and from Reagan to Meridian to the Northeast and Southwest Railroad Company.

In order to hasten the important work you will proceed to the line of the road and confer with the president and directors of the Alabama and Mississippi Rivers Railroad Company, and ascertain their views, plans, and prospects in regard to an early completion of their road. You will examine and supervise the work, and urge an early completion of the road; afford any aid you can in enabling the company to procure the necessary labor and materials, and in directing the proper application thereof; advise with the officers of the company on all matters connected with the early completion of the road; see that the proper arrangements are made by which to unite, upon terms not embarrassing or expensive to the Government, the two interests in the road, so as to secure through transportation without a change of cars. You will also see that proper arrangements are made and suitable rolling-stock provided for the transportation over the road of troops, munitions of war, provisions, and passengers, and that suitable arrangements are made for crossing the Tombigbee River until the company shall construct a bridge across the river. You will report the progress of the work from time to time, with your opinion as to when the route will be completed. It has been suggested that a part of the iron necessary to complete the road from Reagan to Meridian is in New Orleans, and that some difficulty has existed in regard to its transportation to Meridian, growing out of the fact that the New Orleans and Jackson Railroad is in the employment of the Government. Instructions will be given authorizing its transportation over the road at the expense of the company. You will receive the compensation of a captain of engineers while in the employment of the Government.

GEO. W. RANDOLPH,
Secretary of War.

GENERAL ORDERS, No. 20.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 5, 1862.

I. From this date no authority will be granted by this Department to raise new companies, battalions, or regiments, except upon application approved by the general commanding the military department in which the service of such corps are specially required and by the Governor of the State in which it is proposed to raise the corps, if the quota of such State has not been already mustered into service.

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By order of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, April 7, 1862.

His Excellency JEFFERSON DAVIS,
President, &c.:

SIR: I have the honor to submit a communication from Major Ruffin, of the Commissary Department, addressed to the Commissary-General, and forwarded by him to this Department.* It sets forth the

* Not found.

embarrassment experienced by the Commissary Department in provisioning the Army under the rule of the Treasury Department requiring requisitions to be paid one-half in bonds and one-half in Treasury notes, and anticipates still greater difficulties if the proportion of bonds be increased in conformity with a recent notice from the Treasury Department. As the very existence of our armies is involved in this matter, I respectfully submit that a larger proportion of Treasury notes should be issued, or that authority be obtained for the Secretary of the Treasury to sell the bonds at their market price and current funds be furnished to the Commissary Department. The impossibility of using bonds of large denominations in the purchase of live-stock, and the evils of making every commissary and contractor an agent for the sale of Government stocks, are so clearly shown in Major Ruffin's letter that I deem it unnecessary to add anything to what has been so well said. I am aware of the difficulties of increasing the issue of Treasury notes and small bonds, and of negotiating bonds of large denominations; but the alternative of effecting such increase or negotiation on the one hand, or of leaving the Army without sufficient subsistence on the other, is of so serious a character as to require our utmost exertions to overcome the difficulties.

I have the honor to be, very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

[APRIL 7, 1862.—For Pemberton to Ripley, in relation to the organization of certain South Carolina troops for the war, see Series I, Vol. VI, p. 427.]

SPECIAL ORDERS, No. 80.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 8, 1862.

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XVIII. On the discharge of troops leaving the service the commanders of regiments and battalions will take away all arms of every description, whether public or private; private arms to be paid for by the ordnance officer, or receipts given which will entitle the holders to payment.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

[APRIL 8, 1862,—For Davis to Clark, in relation to the organization of troops in North Carolina, see Series I, Vol. LI, Part II, p. 532.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, April 8, 1862.

Governor F. R. LUBBOCK,
Austin, Tex.:

SIR: In reply to your letter of the 15th ultimo, you are respectfully informed that no authority was issued in advance to Colonel Carter,

or those associated with him, to raise the regiments of cavalry to which you refer. These regiments were raised as an independent enterprise, and were not tendered to the Department until already organized. Authority was then given to muster them into service. I fully concur in your opinion in regard to the difficulties arising from individuals raising separate corps without concert with the State Executive. It is out of my power, however, to afford any remedy, except by refusing to grant such authority in future without your consent and by reporting to you all troops mustered into the C. S. service in Texas to be counted as part of the quota called for by the President, until said quota shall have been completed.

Your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

AN ACT to authorize the advance of a certain sum of money to the State of Missouri.

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury be authorized to issue to the State of Missouri the sum of $1,000,000, authorized by an act entitled an act for the relief of the State of Missouri, approved the 27th of January, 1862, upon the authorized agent or agents of said State, first filing with said Secretary the sum of $491,500, in bonds of said State of Missouri, as provided in said act, and executing a receipt for the remainder of such advance conditioned for the filing of the remainder of said amount in bonds of the State of Missouri, whenever the same can be conveniently done: *Provided*, Such remainder in bonds shall be filed with said Secretary within six months after the passage of this act.

Approved April 9, 1862.

GENERAL ORDERS, No. 22.

WAR DEPARTMENT,
ADJT. AND INSPECTOR GENERAL'S OFFICE,
Richmond, April 9, 1862.

The following regulations are published for the guidance of recruiting officers:

1. The muster-roll is the certificate of enlistment. No other blanks are furnished.

2. The muster-roll must be sent to or deposited in the office of the Adjutant and Inspector General in Richmond. The recruiting officer will retain in his possession (to be deposited with the records of his company) a duplicate of this muster-roll.

3. A certified copy of this muster-roll will be a proper voucher for the expenditure of the bounty money in cases where the receipts of the recruits have not been taken.

4. The accounts for the settlement of the bounty money will be handed in or sent to the Quartermaster-General's Office. All balances of this fund will be turned over to an officer of the Quartermaster's Department.

5. Accounts for the settlement of the contingent fund of the recruiting service will be sent to or handed in to the superintendent of the recruiting service.

6. Officers will be careful not to confound this account with the bounty money. Each fund is to be accounted for separately.

7. Officers on recruiting service are entitled to commutation of fuel and quarters, at the monthly rate of $9 per room, and wood at the market price of the locality where they are recruiting.

8. Sergeants and privates, when ordered on the recruiting service, are entitled to 75 cents a day from the time of leaving their companies, as commutation for their quarters and subsistence.

9. Recruits will be allowed 75 cents a day each as commutation for quarters and subsistence from the date of enlistment to the day of joining their companies, or until subsistence is furnished in kind. This allowance will be paid from the contingent fund in the hands of the recruiting officers.

10. Transportation will be furnished on railroads by the Quartermaster's Department, and agents on the roads have been instructed to forward parties of recruits on the certificate or requisition of recruiting officers.

By order of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, April 9, 1862.

Col. T. R. R. COBB,
Commanding Cobb's Legion:

DEAR SIR: In consequence of a letter from Capt. W. J. Lawton, I have had a conversation with the President in reference to your legion, and was authorized to say that you can increase your infantry and cavalry to eight companies, each retaining the legionary formation, or you can increase each to a regiment, in which case the legion will be broken up. Captain Lawton represents you as having four cavalry companies here, two organized in Georgia, and men enough for three more. If, therefore, you increase the legionary cavalry to eight companies, you will have one unattached, and this may unite with the five raised by Captain Lawton to assist in forming his regiment. Captain Lawton states that you have an artillery company in Georgia. I think it will be best to leave it there, for the exigencies of the service would soon detach it from you if armed; and if unarmed, it would be useless to bring it here to remain idle during the long period that would elapse before we can furnish a battery. If you have no objection to the exchange of the Dougherty Hussars for Captain King's company, as desired by Captain Lawton, it will be ordered. Supposing that you would return to Suffolk I addressed a letter to you there in response to your last letter. I think you had better inform the gentlemen in Georgia expecting to join your legion that the legionary formation is found to be so inconvenient that the Department no longer authorizes it, and that the exigencies of the service render it impossible for them to be united with you. Already it has been found necessary to order Colonel McDaniel's regiment to East Tennessee.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

AN ACT to provide for keeping all firearms in the armies of the Confederate States in the hands of effective men.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to organize companies, battalions or regiments of troops, to be armed with pikes, or other available arms, to be approved by him, when a sufficient number of arms of the kind now used in the service cannot be procured; such companies, battalions or regiments to be organized in the same manner as like organizations of infantry now are under existing laws.

SEC. 2. *Be it further enacted*, That the President may cause the troops armed and organized as herein provided, to serve as similar organizations of infantry now do, or to attach troops so armed to other regiments in the service, in numbers not exceeding two companies of troops so armed to each regiment. And the colonel of the regiment to which such companies may be attached, shall have power to detail men from such companies to take the place of men in the companies armed with firearms, whenever vacancies may occur from death, or discharge, or in cases of absence, from sickness, furlough, or any other cause; the true intent and meaning of this provision being to render every firearm in the Army available at all times, by having it always in the hands of a well and effective man.

SEC. 3. Immediately after the passage of this act it shall be the duty of the Secretary of War to furnish a copy of the same to every general in the service.

Approved April 10, 1862.

RICHMOND, *April 10, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War, Confederate States:

SIR: It is understood that it is the earnest desire of the Government to cause the railroad connection between Selma, Ala., and Meridian, Miss., to be completed at the earliest time possible, so that the Government may have the use of the road for the transportation of troops, munitions of war, provisions, &c. The Provisional Congress passed an act authorizing an advance of $150,000 to the Alabama and Mississippi Rivers Railroad Company to complete the connection, and as a member of the board of directors of that company it has been made my duty to submit the security required and to receive the amount proposed to be advanced. It is proper, however, that I should make known to you the fact that the sum of $150,000 will not be sufficient to complete the road and place upon it the necessary rolling-stock to answer the expectations and probable wants of the Government. When the application was made to the Provisional Government for an advance of money for the completion of this most important line of road it was hoped that the amount authorized to be advanced, when added to that which the company reasonably expected to derive from stock notes held by it, would be sufficient to finish the road for use and furnish it to some extent with necessary rolling-stock. But owing to the continuance of the blockade of our ports, whereby our cotton crop has been withheld from market and sale, the company has been unable to make collections, and the continued rise in railroad iron and rolling-stock has shown that the sum proposed to be advanced when expended will leave the work still in an unfinished state. It is the opinion of experienced engineers and

other persons well acquainted with the cost of building and equipping railroads that it will require, as the work now stands and under existing circumstances, the sum of $500,000 to finish and equip the entire road so as to place it at the earliest possible moment in such condition as will enable it to fulfill the demands of the Government. The company chartered to build this road has expended already in its construction and in the purchase of stock and materials very nearly or quite $1,000,000. It has some forty-five miles of its road completed, the grading of most of the remainder under contract, and about $300,000 of stock notes on hand, but now unavailable. With the aid of the Government the road could be entirely finished in a few months, and when finished, in addition to the facilities afforded for the transportation of troops and munitions of war, the route of the road would open to the Alabama and Mississippi Rivers the most productive grain and provision country of the South. I will venture to make to you this suggestion: Amount necessary to finish and furnish the road, $500,000; amount already authorized, $150,000; balance $350,000, say one-half in Treasury notes and one-half in Government bonds. If the Government will consent to make the additional advance in Treasury notes and bonds the repayment of the amount will be secured by lien on the entire road and its rolling-stock, fixtures, &c., and the company will stipulate to place the road subject to the control of the Government when required for war purposes, and to receive on account of any freight or services rendered by the road to the Government a credit on the debt incurred by the proposed advance till the whole amount be extinguished. The company will also consent, if required, to secure the advance by mortgage on the road, &c., with power of sale, so that payment can be enforced before the bonds of the Government shall mature. The undersigned submits these suggestions in order that some plan may be devised to accomplish at the earliest possible day the wishes of the Government in regard to the work in question, and is prepared to make any statement in explanation that may be required.

Very respectfully, your obedient servant,

JAMES L. PRICE.

[APRIL 10, 1862.—For Milton to Randolph, in relation to the organization of troops in Florida, see Series I, Vol. LIII, p. 230.]

AN ACT for the organization of a corps of officers for the working of niter caves and establishing niter beds.

The Congress of the Confederate States of America do enact, That for the purpose of procuring a supply of niter, adequate to the wants of the Government, during the continuance of the war with the United States, the President be, and he is hereby, authorized to appoint a corps of officers, consisting of one superintendent, with the rank, pay and allowances of a major of artillery, four assistants, with the rank, pay and allowances of a captain of artillery, eight subordinates, with the rank, pay and allowances of first lieutenants of artillery.

SEC. 2. The duties of the officers, under the supervision of the Chief of Ordnance, shall be to inaugurate and prosecute a system for the efficient working of the niter caves, and to purchase and contract

for the delivery of niter produced within the limits of the Confederate States; to inspect the niter caves and other natural deposits of nitriferous earth, and to report the probable annual supply from these sources, and the extent and economy, or otherwise, with which they are now being worked by private enterprise; to establish niter beds in the vicinity of the principal cities and towns of the Confederacy, and to contract for the necessary grounds, sheds, &c., and for the offal and other materials used in the preparation of niter beds; to diffuse information and to stimulate enterprise in the production of an article essential to the successful prosecution of the war. The superintendent will make reports, at stated periods, to the Chief of Ordnance, to be submitted to the Secretary of War, for the information of Congress. This organization to be continued at the discretion of the President.

Approved April 11, 1862.

JOINT RESOLUTION of thanks to the patriotic women of the country for voluntary contributions furnished by them to the Army.

Resolved by the Congress of the Confederate States of America, That the thanks of the Congress of the Confederate States are eminently due, and are hereby tendered, to the patriotic women of the Confederacy for the energy, zeal, and untiring devotion which they have manifested in furnishing voluntary contributions to our soldiers in the field and in the various military hospitals throughout the country.

Approved April 11, 1862.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, April 11, 1862.

His Excellency JEFFERSON DAVIS,
President Confederate States of America:

SIR: In response to the resolution of the House of Representatives requesting the President to communicate what steps have been taken to carry out the act for connecting the Richmond and Danville and the North Carolina railroads, and for the connection of the railroad from Selma, in Alabama, to Meridian, in Mississippi, I have the honor to inform Your Excellency that the surveys of the former have been made and the report of the engineer will probably be received to-morrow, and that an agent has been sent south to examine and report what steps should be taken to complete the latter connection.

Very respectfully, your obedient servant,
GEO. W. RANDOLPH,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, April 11, 1862.

Capt. JOHN N. MAFFITT, C. S. Navy:

SIR: You are authorized to take the entire control of all vessels loaded with arms and munitions of war for the Confederate States which you may meet in your intended trip, and to bring them into such ports as you may select with their cargoes, or to transship such cargoes in other vessels. You will in all cases destroy such arms and

munitions, if necessary, to prevent them from falling into the hands of the enemy, and the vessels also, if the property of the Government or citizens of the Confederate States. You will confer with Mr. L. Heyliger, the agent of the Government at Nassau, and act in conjunction with him. He will receive instructions to the same effect. If necessary, you will discharge the officers and crew of such vessels and substitute others in their stead.

Very respectfully,

GEO. W. RANDOLPH,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., April 11, 1862.

L. HEYLIGER, Esq.,
Nassau:

SIR: Capt. John N. Maffitt, C. S. Navy, has been instructed by this Department to take the entire control of all vessels laden with arms and munitions of war for the Confederate States which he may meet with on his present voyage, and to bring them into such ports as he may select, or to transship their cargoes to other vessels and take control thereof. He is also authorized to adopt any measures which he may deem necessary to secure the safe arrival of such vessels and their cargoes or to prevent their falling into the hands of the enemy. Captain Maffitt is instructed to confer with you, and you will act in concert with him in all matters touching this commission.

Your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

CHARLESTON, *April 11, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War, Richmond:

DEAR SIR: We had the honor to receive in due course your dispatch of the 7th instant, and Captain Maffitt having consented to go to Richmond and see you personally in relation to the Theodora, a reply to the dispatch seemed unnecessary. We have now the satisfaction to inform you that the steamer Southwick has arrived safely at Nassau with her valuable cargo. For particulars we beg reference to the accompanying letters from Mr. Heyliger. The course adopted is precisely in conformity with the instructions we sent our agent, Mr. Lafitte. He was unfortunately absent in Havana. The selling of the Cecile was unfortunate, and we hope some arrangement may be made about the Theodora. The Kate will be ready about the 20th instant to depart from this port. The blockade along the South Atlantic coast is more rigid than at any time since it commenced. We are sorry to say that the T. L. Wragg, after coasting along for some days from Charleston to Wilmington, had to return to Nassau to replenish her coal. The state of the moon was one cause of her failure, and she will return when the nights are dark. Captain Lockwood, of whom Mr. Heyliger speaks, was on board and landed in a small boat. The T. L. Wragg has a good pilot (Jones, who brought in and carried out the Economist). We had instructed him to leave the latter at Nassau, where she had to go for coal. The steamer Herald, one of our ships, is safe at Bermuda. She has on board 200,000 pounds

powder and some large guns. The Bermuda is also there with a large and valuable cargo. The Herald will attempt one of our ports when the dark nights set in. Be good enough to consider this information as strictly confidential. We have cautioned Mr. Halfman not to speak of it.

We remain, dear sir, yours, respectfully,

JNO. FRASER & CO.

The Economist arrived at Nassau before the T. L. Wragg left.

[Inclosure No. 1.]

ON BOARD STEAMER THOS. L. WRAGG,
Cochrane's Anchorage, April 5, 1862.

Hon. G. W. RANDOLPH,
Secretary of War, Richmond:

SIR: The Wragg is now loaded and ready for sea. She has on board 1,856 packages, comprising 1,040 kegs of powder, some 5,000 rifles, bales blankets, boxes tin pans, &c. I cannot return the exact contents, but Messrs. John Fraser & Co. received a correct return of the marks, measurement, &c., which, compared with the invoices, will furnish a precise return of the cargo. Mr. Halfman, the supercargo of the Southwick, leaves by the Wragg, and carries the dispatches relative to the steamer's cargo.

I am, with great respect, your obedient servant,

L. HEYLIGER.

[Inclosure No. 2.]

NASSAU, *April 5, 1862—midnight.*

Hon. G. W. RANDOLPH,
Secretary of War, Richmond, Va.:

DEAR SIR: I have just returned from Cochrane's Anchorage, and find that the steamer Economist arrived two hours since with cotton from Charleston. The captain says she is a Government vessel, but all the correspondence in relation to her must have been addressed to Mr. Lafitte, the agent of Fraser & Co. Unfortunately Mr. Lafitte is absent, and no one is authorized to open his letters. Messrs. Hy. Adderly & Co. are also entirely without instructions. If there are any advices for me they must be under cover to Lafitte. The Economist requires coal, as the captain says the understanding is he is to proceed to England. Just now there is no coal here, but a supply is daily expected. I shall commence discharging the Southwick's cargo and storing it on Monday, the day after to-morrow. The captain is disposed to be ugly, and both to avoid difficulties and to save the Government a demurrage of $200 per day I consider it the best policy. Everything in my power will be done to protect the Government interest.

I am, very respectfully, your obedient servant,

L. HEYLIGER.

P. S.—Captain Lockwood has concluded to go on the Wragg.

AN ACT to provide further means for the support of the Government.

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury be, and he is hereby, authorized to issue,

in addition to the amounts heretofore authorized to be issued by an act entitled "An act to authorize the issue of Treasury notes and to provide a war tax for their redemption," approved August 19, 1861, and by the further supplemental act to the above-cited act, approved December 80, 1861, from time to time, as the public necessities may require, Treasury notes, certificates of stock, and bonds, not to exceed in the aggregate the sum of $215,000,000, of which $50,000,000 shall be in Treasury notes, to be issued without reserve; $10,000,000 in Treasury notes, to be used as a reserve fund, and to be issued to pay any sudden or unexpected call for deposits; and $165,000,000 certificates of stock or bonds: the said Treasury notes, certificates of stock, and bonds to be issued under the same forms, conditions and restrictions as are provided by the above-cited acts, in every respect and particular: *Provided, however*, That the Secretary of the Treasury may, if he shall deem the same advisable, effect a loan, at home or abroad, in specie funds or bills of exchange or Treasury notes, by a sale of the said bonds or stock upon such terms as may be found practicable: *And provided, further*, That all bonds issued under this section shall be made redeemable at the pleasure of the Government after the expiration of ten years from their respective dates, but the faith of the Government shall be pledged to redeem the same at the expiration of thirty years from such dates.

SEC. 2. The Secretary of the Treasury may issue in exchange for any of the Treasury notes which may be issued under this or any other law, bonds or certificates, payable in not more than ten years, at a rate of interest not exceeding 6 per cent. per annum, payable semi-annually, to the extent of $50,000,000, which $50,000,000 shall constitute part of the $165,000,000 of stock and bonds above authorized: the said bonds or certificates to be reconvertible, at the pleasure of the holder, into Treasury notes, and the said exchange and re-exchange to be subject to such regulations as the Secretary of the Treasury may prescribe.

SEC. 3. The form of the said bonds or certificates authorized by the second section above, shall be determined by the Secretary of the Treasury; the said certificates may be issued with or without coupons, and may be made payable to order or bearer, as may be deemed expedient.

Approved April 18 [12], 1862.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., April 12, 1862.

His Excellency Governor J. E. BROWN,
Milledgeville, Ga.:

DEAR SIR: I have just received your kind letter of the 3d, and reciprocate most cordially your wishes for harmonious action between the State and Confederate Government in the present contest. In a struggle which involves the existence of both, I am persuaded that we only need mutual patience and forbearance to insure a good understanding. Sometimes things may happen requiring explanation, and all that we should ask is the opportunity for such explanation. The conscription bill passed the Senate yesterday by a vote of 19 to 5, and will, no doubt, go through the House. This will render a redistribution of arms unnecessary, and I hope will effectually

secure to the troops of each State the arms furnished them by their own State. The exigencies of the times require many things which under other circumstances would be wholly unjustifiable, and accordingly the Provisional Congress, on January 22 last, passed an act requiring that the arms of the volunteers now in service should be kept within the control of the President. (See act No. 363.) Nothing but the extreme peril to be apprehended from a dispersion of the arms in the hands of the troops, and the belief that the States would acquiesce in a measure absolutely essential to their own safety, would induce the Government to adopt a measure at first sight arbitrary; but if the failure of the conscription bill should render it necessary to execute the law, I shall endeavor to keep the arms furnished by each State as far as practicable in the hands of her own troops, and will issue the orders necessary to effect this.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

[APRIL 12, 1862.—For Pettus to Beauregard, reporting number of men at the various rendezvous in Mississippi, preparing to enter the Confederate service, see Series I, Vol. LII, Part II, p. 301.]

AN ACT for the payment of musicians in the Army not regularly enlisted.

The Congress of the Confederate States of America do enact, That whenever colored persons are employed as musicians in any regiment or company, they shall be entitled to the same pay now allowed by law to musicians regularly enlisted: *Provided*, That no such persons shall be so employed except by the consent of the commanding officer of the brigade to which said regiments or companies may belong.

Approved April 15, 1862.

GENERAL ORDERS, No. 23.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 15, 1862.

Parties who have been authorized by the War Department to raise troops in Texas are prohibited from enlisting or receiving twelve-months' men, and all authority heretofore granted by this Government to raise troops in any State is hereby revoked, unless the organization is completed and the muster-rolls returned to this office within sixty days from the date of this order.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 86.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 15, 1862.

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VIII. Military commanders are directed and officers of the Niter Bureau are authorized to seize niter in the hands of private individuals who either decline to sell it or ask more than 50 cents per pound

for it. Certificates of impressment will be given by the officers making the seizure, which will entitle the party to the money when presented to any officer of the Niter Bureau, or the money may be paid at the time of the seizure. All quartermasters are directed to give precedence in transportation to niter over all other Government stores.

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

RICHMOND, *April 15, 1862.*

Honorable SECRETARY OF WAR OF CONFEDERATE STATES:

SIR: The act of the 15th of February last to provide for the connection of the railroad from Selma, in Alabama, to Meridian, in Mississippi, authorizes the President to advance to the president and directors of the Alabama and Mississippi Rivers Railroad Company, for the purposes stated, the sum of $150,000, upon such terms and conditions as he may deem best to secure the early completion of the proposed connection and to secure the repayment of the money advanced. Understanding it to be the desire of the Government to cause this connection to be made at the earliest possible day for military purposes, the undersigned, a member of the Board of Directors of said company, caused the acting chief engineer to prepare and furnish proper estimates of the work now to be done, and from these was of the opinion, in view of the increased and increasing price of railroad iron, supplies, &c., and the increased cost which such prompt work would necessarily involve, that a further advance of $200,000 would enable the company to complete the proposed connection in time to meet the wishes and probable exigencies of the Government. The undersigned, however, was perfectly aware that though the road bed could be thus finished, the rolling-stock of the company would be entirely inadequate for the probable requirements of the Government, but supposed that in case of necessity the Government might transfer to this road the rolling-stock of other roads not so immediately important, and it was the intention of the undersigned to have mentioned this sum ($200,000), but by the advice of experienced railroad men he was induced to suggest an amount that would certainly not only complete the road bed in the shortest possible time, but also furnish an ample supply of rolling-stock. The undersigned did not intend by this application for an increased advance to convey the impression that the company would be unable to finish the road with the aid of the $150,000 already authorized. His sole object was to hasten the work and meet the wishes of the Government at the earliest possible day. The company holds a large amount of stock notes on persons of unquestioned solvency, the payment of which is now delayed for want of a market for cotton; but the Board, with the aid already authorized, will proceed with all possible diligence to complete their road, and its president has already, relying on this aid, taken steps to procure the necessary amount of railroad iron, now becoming alarmingly scarce in the Confederate States. The undersigned has deemed it advisable to say this much in explanation of his former communication, and will now, in behalf of the company which he represents, submit the following proposition and statement, viz: That the said sum of $150,000 be loaned to said company for the term

of ten years without interest, with a provision that the company in its transportation shall always give preference to freights belonging to the Confederate Government; shall charge for the same such rates as are customary on railroads in the Confederate States, and payment therefor shall be entered as a credit on the obligation of the company. As security for the repayment of the sum loaned the company offers its bond, secured by a mortgage on its entire road, including rolling-stock, fixtures, machine-shop, depots, &c. That the security offered is amply sufficient the following approximate statement of the condition of the company will show:

From Selma, on the Alabama River, to Demopolis, on the Tombigbee River, is fifty miles, of which forty-five miles are in running order, with rolling-stock now sufficient for the present and ordinary business of the road. The balance of this distance is already graded and prepared for the superstructure. At Demopolis it is contemplated to connect temporarily by a steam-boat with McDowell's Bluff, a distance of about five miles. From McDowell's Bluff to Reagan, on the Northeast and Southwest Railroad, is about twenty-four miles, of which nearly one-half is now graded, and the contractors still at work. From this it will be readily perceived that there has been already expended on the road more than $1,000,000, to which is to be added as a part of the assets of the company more than $300,000 of good stock notes, now unavailable because due by planters whose means of payment are obstructed by the blockade. Upon the first thirty miles of road there is a mortgage to secure the payment of bonds of the company to the amount of $150,000, of which about $125,000 have now been used. Besides this, there is a mortgage upon the whole road to secure the repayment to the 2 per cent. fund of probably $150,000 more. Thus it will be seen that the security offered presents assets reasonably worth about $1,500,000, encumbered by liabilities amounting to about $300,000. If required, personal security will be given for the faithful application of the money and for the completion of the road as speedily as possible. As this matter detains me from other important business, I venture to hope that you will give it prompt attention, and remain,

Very respectfully, yours truly,

JAMES L. PRICE.

P. S.—It is suggested as a matter of convenience that the agent of the Government, Mr. Gaines, who has been sent out on business connected with the road, be instructed to take the bond and mortgage and have the mortgage recorded and the papers returned to you, and upon this being done that the company be authorized to receive the advance. Dispatch is highly important to the company, so as to enable it to secure the iron partially contracted for.

J. L. P.

RICHMOND, VA., *April 15, 1862.*

Governor H. T. CLARK,
Raleigh, N. C.:

An act has passed both Houses of Congress* placing in the military service of the Confederate States for three years or the war all persons between eighteen and thirty-five years of age who are not legally

*It was approved April 16, 1862, and promulgated in General Orders, No. 30, Adjutant and Inspector General's Office, April 28, 1862, for which see p. 1094.

exempt from military service; all twelve-months' volunteers within those ages to serve two years from the expiration of their term of enlistment, and all of them under eighteen and over thirty-five to remain ninety days unless their places are sooner supplied by recruits. The twelve-months' men who have not received bounty and furloughs are to have them, the furloughs to be granted in such numbers and at such times as the Secretary of War may deem compatible with public service. Re-enlistments for the purpose of changing from one regiment, battalion, or company to another, unless already perfected by actual transfer, are in effect canceled, and all authorities to raise new corps are vacated, unless within thirty days from the passage of the act the organization is complete and has the requisite number recruited from persons not now in service. Companies of infantry are to have 125, field artillery 150, cavalry 80. All corps of twelve-months' volunteers shall have the right within forty days, on a day to be fixed by the commander of the brigade, to elect all their officers which they had a right heretofore to elect, such officers to be commissioned by the President. All white males between eighteen and thirty-five, subject to military duty and not now in service, are to be enrolled and mustered in and sent to the old regiments. All further discharges from expiration of term of service and transfers of re-enlisted men to new corps will be immediately stopped.

GEO. W. RANDOLPH,
Secretary of War.

(The same addressed to Governor F. W. Pickens, Columbia, S. C.; Governor Joseph E. Brown, Milledgeville, Ga.; Governor John Milton (per Governor Shorter); Governor J. G. Shorter, Montgomery, Ala.; Governor J. J. Pettus, Jackson, Miss.; Governor T. O. Moore, New Orleans, La.; Governor F. R. Lubbock, Austin, Tex.; Governor H. M. Rector, Little Rock, Ark.; Governor I. G. Harris, Memphis, Tenn.; Governor G. W. Johnson (per Governor Harris); Governor C. F. Jackson (per Governor Harris); also sent to Major-General Magruder, Yorktown, Va.; Major-General Ewell, Rapidan Station, Va.; Brigadier-General Field, Fredericksburg, Va.; Major-General Jackson, care quartermaster, Staunton, Va.; Brig. Gen. E. Johnson, care quartermaster, Staunton, Va.; Brigadier-General Heth, Lewisburg, via W. S. S., Va.; Brig. Gen. H. Marshall, Gladesville, care quartermaster at Abingdon, to be forwarded; Maj. Gen. E. K. Smith, Knoxville, Tenn.; Maj. Gen. B. Huger, Norfolk, Va.; Brig. Gen. T. H. Holmes, Goldsborough, N. C.; Major-General Pemberton, Pocotaligo, S. C.; Brigadier-General Lawton, Savannah, Ga.; Maj. Gen. Samuel Jones, Mobile, Ala.; Maj. Gen. M. Lovell, New Orleans, La.; General Beauregard, Corinth, Miss.)

SAVANNAH, *April 15, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War:

I have just received your telegraph informing me of the passage of the conscription act. I have not seen the act, but presume you may construe it as disbanding the Georgia State troops. The troops are going out of service and the public exigencies require prompt action. Under the correspondence with you and General Lee, I had commenced re-enlisting them in the State service for three years, giving a credit

of the six months they have served. I now propose to cease my operations and to turn over the troops who yet remain in service, with the responsibility, to you immediately, in such manner as may be most agreeable to the President, as it is necessary to the safety of Savannah that the number of the State troops be immediately increased if they are kept in State service. I ask an immediate reply by telegraph to this place.

JOSEPH E. BROWN.

RICHMOND, VA., *April 15, 1862.*

Governor BROWN,
Savannah:

Keep the troops together, as it will cause great trouble to enroll and bring them back if they disband. The act authorizes the President, with the consent of the Governor, to employ the enrolling officers of the State for the purpose of enrolling those not in Confederate service. You can, therefore, employ your enrolling officers immediately to enroll the men, and I will send instructions for their organization. All between eighteen and thirty-five are to be in the Confederate service; the remainder may be organized by the States.

GEO. W. RANDOLPH,
Secretary of War.

RICHMOND, *April 15, 1862.*

Col. SAMUEL A. ROBERTS,
A. A. G., Prov. Army, C. S., Bonham, Fannin County, Tex.:

SIR: The Secretary of War directs me to say, in reply to your letter of the 15th ultimo, that when the muster-rolls of the regiment referred to are returned to this office the staff will be duly appointed. In the meantime if the troops are ready to march, quartermasters and commissaries may be detailed to attend them from the subalterns of the regiment, and this detail authority is hereby given you to make.

Very respectfully, &c.,

R. H. CHILTON,
Assistant Adjutant-General.

P. S.—General Orders, No. 23, in print, prohibits the reception of any twelve-months' men, and requires all returns of rolls to be made in sixty days from its date, or the authority to raise the troops is revoked. A copy of the order will be sent you.*

BONHAM, TEX., *April 15, 1862.*

SAMUEL COOPER,
Adjutant and Inspector General, C. S. Army:

SIR: This will be handed to you by Lieutenant Stratton, of one of the infantry companies just mustered in for the war. I have sent him as a special messenger to be certain to obtain a reply to the several matters to which I would call your attention, and in doing so shall have to recapitulate much that is contained in my former letters (four by mail and one by telegraph from Clarksville, in Arkansas), to

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* See p. 1059.

not one of which have I received any reply. This must be owing to some defect in the mails. It has now been two months and a half since I left Richmond under special orders, the 3d of February, to raise five regiments of infantry for the war. I fear I shall be tedious, but it is necessary that I should write as if none of my letters have reached the Department, for I have no assurance that they have. I was assured by the War Department that after that period no other commissions would be given to any one to raise mounted troops in Texas, and none would be received for a shorter term than three years or the war. As soon as I reached the district assigned to me in which I was to raise the regiments I issued my circular and commenced a personal travel through the different counties to effect my object. Right upon my heels came the circulars and addresses of at least half a dozen gentlemen, calling for cavalry for twelve months, and stating they had the authority of the Government for so calling, and this in the very district assigned to me for infantry. Some have organized without pretense of authority from the Government. Eleven companies are at this moment over at Washita, in the Indian Territory, forty miles north of this, and are to elect their field officers to-morrow—all cavalry, recruited in this and adjoining counties for twelve months. To mention other regiments, M. T. Johnson has raised three, Colonel Darnell one, Colonel Burford one, Colonel Clark one, Colonel De Morse one, nearly ready, &c. There are several raising battalions, and some recruiting for companies in the field, with only a few months unexpired term. These several calls being for shorter terms, and all cavalry, are greatly preferred, and while I have to compete with them I can make but slow progress with infantry for the war, and it is on this account only I now refer to these matters. Up to this time two companies only have reported; some half dozen others, I am informed, will be on in a few days, and here another difficulty meets me. The Government as yet has neither sent me a quartermaster nor commissary, both of which were promised in my orders of the 3d of February. The Quartermaster-General in Richmond informed me he had appointed Travis G. Wright, of Lamar County, quartermaster of the depot by me to be established, and I supposed had, but when I called on Mr. Wright he knew nothing about it. Having no information of the appointment of a commissary, circumstances compelled me to nominate one myself, and Mr. John W. Fraley, perhaps the very best man in North Texas, has been acting, and through his exertions I have been able on the credit of the Government to provide for the immediate support of the companies reported, and of those also who will be along in a few days. The quartermaster's purchases I have been compelled for a like reason to intrust to special agents. You will at once appreciate the difficulty of my position, and I trust to your prompt action to relieve it. I ask that the Government will at once send to Mr. Wright his appointment as quartermaster, and to Mr. Fraley, if they approve my appointment, his as commissary—I will see that they will file the necessary bond—and I ask further that you furnish me at least with money enough to pay the bounty and commutation of clothing on his enlistment. Without the promise of this I cannot get a man. I hope you will send this money with whatever sum besides you assign for the quartermaster's and commissary departments by Lieutenant Stratton. The Government credit has been strained through this section until prices have nearly doubled. I am applied to constantly to muster into service and provide an outfit for cavalry regiments enlisted for the war. It is generally understood

that this is the Government depot for Northern Texas. I so understood it myself, but as the Government has sent no quartermaster or commissary, nor given any special instructions on this head, I can only say to applicants I have no authority on this head. It would, however, be a great saving to the Government and a great convenience to the military of the State to have this a depot for general supplies and payment of Government debts, &c. Please give me special instructions on this head. May I muster in two or three artillery companies for the war? Am I authorized to employ drill-masters not in the service for companies or regiments in camp? I have employed one, and told him I thought the Government would allow him the pay of lieutenant of infantry. His services are very essential to the drilling of the company under his charge, there being no one capable of performing this duty among them. I hope you will give Lieutenant Stratton all the dispatch possible, as I shall be sadly embarrassed until his return.

Very respectfully, your obedient servant,

SAML. A. ROBERTS,
Assistant Adjutant-General, Provisional Army, C. S.

P. S.—I have informed Lieutenant Stratton that he would be allowed transportation going and coming. As I have no means of advancing it I hope the Government at Richmond will furnish it. The clerk, in copying the foregoing, signed my name inadvertently. I recognize it, however, as mine.

SAML. A. ROBERTS,
Assistant Adjutant-General, Provisional Army, C. S.

GENERAL ORDERS, No. 24.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 16, 1862.

I. All officers assigned to ordnance duty with troops in the field will be reported to the Adjutant and Inspector General of the Army, and will report by letter to the Chief of the Ordnance Bureau in Richmond.

II. Every general in command of an army corps will, if no officer is assigned to his army for the purpose, designate an officer for ordnance duty as chief of ordnance of that army, who shall while on such duty, if of inferior grade in the Confederate Army, be entitled to the rank and pay of a major of artillery.

III. Every major-general in command of a division or brigadier-general whose brigade constitutes a separate command will under like circumstances designate an officer for ordnance duty as division ordnance officer (or brigade ordnance officer, if the brigade constitutes a separate command), who shall, if a subaltern in the Confederate Army, have the rank and pay of a captain of artillery.

IV. Officers so appointed shall be selected on account of fitness for ordnance duties and shall be considered as attached to the Ordnance Bureau, and will not be changed except by authority obtained from the headquarters of the Army through the Chief of the Bureau of Ordnance.

V. Every commanding officer of a regiment will select from the non-commissioned officers of the regiment the one best qualified for the duty of ordnance sergeant, and will appoint him acting ordnance

sergeant. Such non-commissioned officer will have charge of all the surplus ordnance stores of the regiment, and will make returns of the same to the Ordnance Bureau. The arms and accouterments of the sick and disabled of the regiment will be turned over to and be accounted for by him. He will exercise supervision over the arms and ammunition in the hands of the men, and report any waste or damage to the division ordnance officer through the colonel of the regiment. All such appointments will be reported through the general headquarters to the Chief of the Ordnance Bureau.

VI. The chief of ordnance of an army will require reports monthly or oftener from division ordnance officers, and will be responsible for the supply of ordnance and ordnance stores with the army to which he is attached.

VII. The division ordnance officers will make reports monthly or oftener if required to the chief of ordnance of the army to which the division belongs. They will be responsible for all ordnance stores with the division—not in the hands of troops—and make returns thereof to the Bureau of Ordnance.

VIII. Chiefs of ordnance of armies and all ordnance officers in the field are attached to the staffs of their respective commands, but will nevertheless conform to such orders and instructions received from the Chief of the Bureau of Ordnance in relation to the execution of their appropriate duties as do not interfere with the orders of the commanding officers in the field.

IX. It is especially enjoined on all officers of ordnance to prevent waste of small-arms and field ammunition in the hands of troops, and to cause unserviceable ammunition to be sent off to the nearest ordnance depot. Arms, accouterments, and equipments which cannot be repaired in the field will in like manner be forwarded for immediate repairs.

X. Ordnance officers serving on the staff of generals commanding will not enter into contracts for or purchase ordnance supplies except in case of necessity on the authority of the general, which must be attached to the contract, or account for such purchase. The exigency requiring the contract or purchase will also be stated therein.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, April 16, 1862.

JAMES L. PRICE, Esq.,
Present:

SIR: Your letter of the 15th instant has been received. In pursuance of the act of Congress the sum of $150,000 will be paid to the president of the Alabama and Mississippi Rivers Railroad Company for the purpose of completing the railroad connection between Selma, in Alabama, and Meridian, in Mississippi. When a mortgage on the road and its appurtenances shall have been recorded and satisfactory personal security given for the proper application of the money, the agent of the Government, Mr. Gaines, must report on the sufficiency of both.

Respectfully,

GEO. W. RANDOLPH,
Secretary of War.

RICHMOND, *April 16, 1862.*

Governor BROWN,
Savannah:

The State troops subject to conscription may volunteer either in the old regiments or in those authorized to be raised. Authorities heretofore granted run thirty days from the passage of the act, which was approved to-day. Persons subject to conscription, who do not volunteer, are to be assigned to companies now in service.

G. W. RANDOLPH,
Secretary of War.

SAVANNAH, *April 16, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War:

After receiving your dispatch of this morning I called on General Lawton and invited him to accept the command of the State troops, as well those who are not embraced in the conscription act till the end of their term as those who are conscripts. General Lawton has accepted the command, and General Jackson has retired. I ask that you permit the conscripts taken from the State troops to elect their own company and field officers. I have also left the State arms in their hands, on condition accepted by General Lawton that the arms are to be returned to the State immediately if the troops having them are to be ordered out of the State.

JOS. E. BROWN.

SAVANNAH, *April 16, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War:

There are here over 5,000 State troops turned over to the Confederacy. Some 3,000 have gone out of service, most of whom will return. General Jackson has after great labor brought them up to a high state of proficiency as soldiers; probably none in your service excel them. The transfer leaves him without a command, after he has trained the troops and prepared the defenses assigned to him. It would be injustice to him to expect him to take a position to be ranked by those who have long been his juniors. We can ill afford to lose his services at this critical moment. I think I only represent fairly the wish of the people of Georgia when I ask that he be appointed a major-general and assigned to the command of the troops lately under his control.

JOS. E. BROWN.

SAVANNAH, *April 16, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War:

Will Colonel Chastain, Colonel Harrison, and Colonel Watkins, under the commissions they hold from you, be allowed to recruit their regiments in thirty days from the State troops? Each commands a State regiment.

JOS. E. BROWN.

MARSHALL, TEX., *April 16, 1862.*

[Hon. G. W. RANDOLPH:]

MY DEAR SIR: It is a subject of general remark among intelligent men that if for the next six months the War Department of the Confederate Government is managed as it has been for the past six the country is irretrievably ruined. Although advised that the enemy were raising an additional number of men to the amount of half a million, and that $400,000 [*sic*] had been voted to put the machinery in motion for our subjugation, and with a full knowledge that one Southern raw recruit was worth two raw recruits from the North, yet the War Department was content to lie idle and supinely wait the stupendous preparations of the enemy. (2) The inefficient Army we have had in the field has been rendered comparatively worthless by the character of officers that have commanded it, and the want of moral courage in the War Department to hold them to a proper accountability. Attention has been called to the notorious drunkenness and inefficiency of officers, and their names given, and the next news was that instead of these men being court-martialed or dismissed, they have been promoted. (3) The fall of Fort Donelson and the occupancy of Nashville exhibited the lamentable condition of our defenses. The people felt—and justly felt—deceived and betrayed. Never has there been congregated on the earth's surface so united, so patriotic, and so unselfish a people. All they require is a Government that will stand by them. Let me beseech you to learn wisdom from the errors of your predecessor, or, if you do not know yourself to be competent, to give the place to some one who is. After the fall of Fort Donelson it was hoped that the day of errors had passed. But what is the result? We behold the same weak, vacillating policy continued which brought us to the verge of ruin then. I can only judge by what I see in this State. Here various commissions were given to Tom, Dick, and Harry to raise regiments of twelve-months' volunteers, and the most of them cavalry. Scarcely one man of the whole number was fit for the position assigned him. Some were brainless upstarts and others notorious drunkards, while there was scarcely an isolated instance of an aspirant who could properly drill a company. Many of them were not only without qualifications, but character. It seemed as if any man, no matter how worthless, could go on to Richmond and get a colonel's commission. The people of Texas had to volunteer with these men or not go to the Army at all. They therefore went to work and organized about 20,000 or 25,000 men, when lo, there comes an order from the War Department virtually disbanding these twelve-months' volunteers and calling for troops for the war. Cavalry in no case is to be received. The next intelligence received is that the War Department is receiving particular regiments of twelve-months' men. What is the matter? Have you all gone crazy about Richmond? Is Texas to be kept out of the struggle now concentrating and soon to commence? You ought to take a firm position and keep it. If twelve-months' volunteers are not desirable, say so, and be uniform in your course. Do not make fish of one regiment and flesh of another, but treat all alike. Above all things, have the moral courage to do your duty, and to get rid of incompetent, inefficient, and drunken officers and worthless surgeons, who in many instances are brutes and a disgrace to the Army. Just think of it! Texas has 20,000 men under arms anxious to serve their country whenever and wherever they can. Many of them have been in camps for months at an expense to the Government. If they had been sent

to Missouri, Price would have overwhelmed the Federal army. They are needed now at Corinth and on the Mississippi. If at the right place they could beat back the enemy and save the country from invasion. It was the imbecility of the War Department that lost Nashville to the Confederates, with the population and valuable manufactures of West Tennessee. If the South is overrun and millions of property destroyed within the next six weeks it will be owing to the same vacillating and criminal neglect of the Department over which you preside. These Texans cannot now reach the field in time. If every other State has thus been held back we have an inadequate force to prevent the enemy from accomplishing the work of invasion. The eyes of the country are on you. The historian will not fail to perceive and to chronicle your ability or your weakness, whether under your genius the country exerted its whole strength or was ruined by a want of firmness or intellect. If we are ruined you will be the acknowledged author of our misfortunes.

Very truly, &c.,

J. J. BEED.

APRIL 17, 1862.

To the SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES:

I deem it my duty to call your attention to some practical difficulties which will occur in the execution of the law just passed for the conscription of all persons subject to military duty between the ages of eighteen and thirty-five years,* and to point out some omissions that it seems wise to supply. First. There are a number of troops in the service of the several States for which no provision is made. They have been organized for State defense, which is necessarily the public defense, but are not a part of the armies of the Confederacy. It would not be politic to break up these organizations for the purpose of taking out of them such of the men as are subject to conscription for distribution among other troops. I suggest that power be granted to the Executive to accept a transfer of such regiments, battalions, squadrons, or companies now in the service of the respective States as may be tendered by the States, according to any organization consistent with the Confederate laws. Second. In the tenth section of the bill there is a seeming conflict between two clauses, one of which requires that in all cases elections shall be held to fill the lowest grade, while another gives power to promote from the ranks to any vacant office a private who may have distinguished himself conspicuously. I would be glad to have the intent of Congress on this point stated in an amendment to the bill. Third. Under the fourth section of the act of the 11th of December, 1861, it was declared that all troops revolunteering or re-enlisting shall, at the expiration of their present term of service, have the power to reorganize themselves into companies and elect their company officers; and that said companies should have the right to reorganize themselves into battalions or regiments, and elect their field officers, &c. By the second section of the act just passed, 16th of April, 1862, it is prohibited to include in the organization of such new companies and regiments as may be completed within thirty days, "any persons now in the service." It is submitted whether bare justice to the men who first entered the military service, and who have again voluntarily enrolled themselves to

*See act of April 16, in General Orders, No. 30, April 28, p. 1095.

serve for the war, does not require that Government should carry out the understanding under which they re-enlisted, by permitting them to serve in organizations more acceptable to them than those in which they are now embraced. I should regret to see men now for the first time brought into the service under the stringency of the law vested with the right of choosing their association, while the same privilege is denied to those who have distinguished themselves by the alacrity with which they have volunteered.

JEFFERSON DAVIS.

AN ACT to authorize the Secretary of War to divide the appropriation for the contingent expenses of the War Department and the Army.

The Congress of the Confederate States of America do enact, That the appropriation of $200,000 made for the incidental and contingent expenses of the Army and of the War Department in the act entitled "An act making appropriations for the support of the Government from April first to the thirteenth [thirtieth] of November, eighteen hundred and sixty-two," approved April third, eighteen hundred and sixty-two, be divided and applied, by the Secretary of War, to the incidental and contingent expenses of the War Department and to those of the Army, in such proportions, as, in his opinion, the exigencies of the public service may require.

Approved April 17, 1862.

AN ACT to encourage the manufacture of saltpeter and of small-arms.

The Congress of the Confederate States of America do enact, That any person or persons who may propose to establish within the limits of the Confederate States a manufactory or manufactories of saltpeter and of small-arms adapted to the use of the Army, shall be entitled to receive from the Government an advance of 50 per cent. of the amount required for the erection and preparation of the works and machinery necessary to such manufactory or manufactories, to be repaid without interest in the product of such manufactory or manufactories, at a price to be agreed upon before such advance shall be made, and subject to the following conditions, to wit: First, That the contractor or contractors shall submit to the President a plan of the proposed works, showing their location, nature and extent, together with a sworn estimate of their probable cost, and a detailed account under oath of the amount already expended on the same, which amount shall be at least 25 per cent. of the entire estimated cost of such work. Second, That the amount so advanced shall be paid in installments as the works shall progress toward completion. Third, That the proposed enterprise and works shall be approved by the President. Fourth, That the contractor or contractors shall enter into bond with sufficient security, to be approved by the President, in the penalty of double the amount proposed to be advanced, and conditioned that the principal obligor or obligors shall well and truly, by a certain time, (which may be extended by the President if he thinks proper) named in the bond, proceed to erect, complete and put into effective operation the manufactory or manufactories proposed; that he or they will expend the sum named for these purposes; that he or they will appropriate the money advanced by the Government to such purpose and to no other use or purpose, and, as far as practicable, keep the property insured; and that he or they will repay the same from the

merchantable articles manufactured, to be delivered at such times and in such quantities as may be agreed upon, the same, in all cases, to be inspected by a Government officer before it is received, until he or they shall fully repay to the Confederate States, in the article and at the price stipulated for the sum advanced; that the contractor or contractors shall subscribe a written oath, indorsed upon the back of said bond, which may be administered by any one authorized to administer an oath, that said advance is asked for the purposes specified in this act, and no other, and that he or they will so apply said funds, which may thus be advanced; and a willful and corrupt violation of this oath shall be deemed perjury, and punishable by imprisonment for not less than three nor more than ten years.

SEC. 2. The provisions of this act shall apply to cases of enlargement or [of] manufactories of saltpeter and of small-arms, now established or being established within the Confederate States, but the advances made in such cases shall only be 50 per cent. upon the amount proposed to be invested in the enlargement of such manufactory or manufactories; and no now existing investment in such manufactory or manufactories shall be computed or taken into account in determining such 50 per cent.

Approved April 17, 1862.

AN ACT authorizing the issue of Treasury notes.

The Congress of the Confederate States of America do enact, That in addition to the Treasury notes, authorized to be issued under previous acts, the Secretary of the Treasury is hereby required to prepare and put in circulation, by such means as he may deem proper to adopt, $5,000,000 of Treasury notes of the Confederate States, of the denomination of $1 and $2. Said notes shall be issued in such proportions of each, to the aggregate sum herein authorized as the said Secretary may determine, payable to bearer six months after the ratification of a treaty of peace between the Confederate States and the United States. Said notes shall be receivable in payment of all public dues, including postage, except the export duty on cotton.

SEC. 2. *Be it further enacted*, That the Secretary is hereby authorized to have said notes printed as he may deem most practicable and advisable in effecting a speedy issue and circulation of said notes.

SEC. 3. *Be it further enacted*, That the Secretary of the Treasury is hereby authorized to issue Treasury notes payable in six months after the ratification of a treaty of peace between the Confederate States and the United States, of a denomination not less than $100, bearing interest at the rate of two cents per day for each $100; the said notes when issued to be a substitute for so much of the $165,000,000 of bonds authorized by the act of Congress, passed at the present session; and said notes shall be receivable in payment of all public dues except the export duty on cotton.

SEC. 4. *Be it further enacted*, That the said Secretary shall make report to Congress of the amount of each denomination of notes, herein required to be issued, which he may put in circulation.

SEC. 5. *Be it further enacted*, That the twenty-first and twenty-third sections of "An act to authorize the issue of Treasury notes, and to provide a war tax for their redemption" be, and the same are hereby declared to apply to the Treasury notes herein authorized, as fully, in all respects, as if the same constituted a part of this act.

Approved April 17, 1862.

RICHMOND, *April 17, 1862.*

His Excellency Governor J. E. BROWN,
Savannah, Ga.:

Were the State troops raised by Georgia, and lately under General Jackson, ever mustered into the service of the Confederate States, or were they still in the service of Georgia?

GEO. W. RANDOLPH,
Secretary of War.

SAVANNAH, *April 17, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War:

The State troops had never been mustered into the service of the Confederate States, but were still in the service of Georgia. You stated that all between eighteen and thirty-five must go into Confederate service. These taken out, my organization is disbanded; hence, to prevent confusion at a moment when Savannah is in great danger, I turned over the others with the conscripts to General Lawton, who accepted them altogether. Part of the State troops are mustered out, the term of others just expiring, and others have two months to serve. The transfer leaves General Jackson without a command. There is great dissatisfaction among the troops; some are almost mutinous. I will remain here for a time and do all I can to produce quiet. Jackson's appointment by the President to the command of the division, as it was, would have a most happy effect at a most critical moment. The city is in great peril.

JOSEPH E. BROWN.

RICHMOND, VA., *April 17, 1862.*

Governor BROWN, of Georgia,
Savannah, Ga.:

Retain your State troops under their present organization. The enrollment can proceed hereafter, or other arrangements made at more leisure. The exigency does not permit of disorganization.

JEFFERSON DAVIS.

SAVANNAH, GA., *April 18, 1862.*

President JEFFERSON DAVIS:

Under the correspondence with the Secretary of War the State troops have been actually turned over to the Confederate general, and my control over them has ceased. To resume it with a view to reorganization for a short period, when the reorganization may at any moment be destroyed by operation of the conscription act, would be peculiarly embarrassing. The terms of the troops are expiring; under the conscription act you can fill up the ranks, but if you hold that the act repeals the State laws, when they are in conflict, how can I recruit? If I resume the control can I call for volunteers to fill up the ranks for three years or the war, and will you exempt such volunteers from the operation of the conscription act? If you do not it is impossible, in the present temper of the troops, for me to reorganize or make the force effective as a State force. Whatever is done should be done immediately.

JOSEPH E. BROWN.

RICHMOND, VA., *April 18, 1862.*

Governor BROWN, of Georgia,
Savannah, Ga.:

My object was to avoid an immediate organization, so that the State troops should remain in their defense of Savannah. If the plan adopted effects that I would not disturb it under existing circumstances.

JEFFERSON DAVIS.

Resolved by the Senate of the Confederate States of America, That the President is hereby respectfully requested to instruct the commissioners from this Government to Her Britannic Majesty, His Imperial Majesty the Emperor of the French, and Her Majesty the Queen of Spain, to propose to them the following terms for a treaty of amity and commerce between the said Governments and the Government of the Confederate States:

First. That the Governments of Great Britain, France, and Spain shall declare the inefficiency and consequent illegality of the blockade of the ports in the Confederate States by the Government of the United States, and that they maintain in our waters during the war with the United States a sufficient number of war vessels, in connection with the navy of the Confederate States, to enforce the declaration and effectually raise the blockade

Second. That the Governments of Great Britain, France, and Spain shall supply and transport to the Confederate Government such arms, ammunition, and munitions of war as may be needed in the prosecution of the war with the United States, the Government of the Confederate States paying therefor the market value of the articles so furnished; and that in any treaty of peace hereafter to be entered into between the Confederate States and the United States the decision of all questions in said treaty in regard to boundaries shall be under the sole and exclusive judgment and control of the Confederate States.

Third. That the President be authorized to offer to the Governments of Great Britain, France, and Spain such discriminations in favor of British, French, and Spanish commerce and navigation, foreign and coastwise, as he may find to be necessary to secure the aid and co-operation of the British, French, and Spanish Governments for the purposes aforesaid, and which shall be in accordance with the true interests of the Confederate States.

Fourth. The treaty, when made according to the foregoing terms, to continue of force for ——— years, after which time either party may annul the same, having given twelve months' notice of such intention.

Agreed to by the Senate of the Confederate States of America April 18, 1862.

JAMES H. NASH,
Secretary.

AN ACT to aid in the construction of a certain line of railroad in the States of Louisiana and Texas.

Whereas, the Confederate States are engaged in actual war, and the President has recommended, for military reasons, the construction

of the railroad from New Iberia, in the State of Louisiana, and Houston, in the State of Texas, and the commanding general at New Orleans has declared it to be at the present moment a great military necessity: [Therefore,]—

The Congress of the Confederate States of America do enact, That the President be, and he is hereby authorized and empowered to aid or contract with the New Orleans and Texas Railroad Company, and the Texas and New Orleans Railroad Company, upon such terms and conditions as he may think proper, to insure the prompt completion and connection of said roads, in the manner he may think best calculated to promote the public interest.

SEC. 2. *Be it further enacted*, That to enable the President to accomplish the object herein contemplated, the sum of $1,500,000 in the bonds of the Confederate States, is hereby appropriated to be issued and applied by the order of the President at such times and in such sums as he may deem proper, and that the President be directed to take a mortgage on said road and its appurtenances for the ultimate repayment of the money so expended in aid of its erection.

Approved April 19, 1862.

AN ACT making further appropriations for the expenses of the Government in the Treasury, War, and Navy Departments, and for other purposes.

The Congress of the Confederate States of America do enact, That the following sums be, and they are hereby appropriated out of any money in the Treasury not otherwise appropriated, for the objects hereafter expressed, for the year ending November thirtieth, one thousand eight hundred and sixty-two.

* * * * * * *

War Department.—For the purchase of pig and rolled iron, $1,000,000. For casting cannon, shot and shells, $500,000. For manufacturing small-arms of all kinds, $2,000,000. For purchase and manufacture of niter and all expenses incidental to exploring and working caves, &c., $1,000,000.

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Approved April 19, 1862.

AN ACT supplementary to the act entitled "An act to encourage the manufacture of saltpeter and small-arms."

The Congress of the Confederate States of America do enact, That the provisions of the act entitled "An act to encourage the manufacture of saltpeter and of small-arms," shall also apply to all establishments or mines for the production of coal and for the production and manufacture of iron, and that in addition to the advance of 50 per cent. therein mentioned, the President be and he is, hereby authorized to enter into contracts for the purchase of coal and iron, in such quantities as may probably be required for a series of years, not exceeding six, and to make advances thereon not exceeding one-third of the amount of such contract.

Approved April 19, 1862.

AN ACT to increase the military establishment of the Confederate States, and to amend the "Act for the establishment and organization of the Army of the Confederate States of America."

The Congress of the Confederate States of America do enact, That the number of ordnance sergeants authorized by section 6 of "An act to increase the military establishment of the Confederate States," &c., approved May 16, 1861, be so increased as to provide one for each regiment of the troops now or hereafter received in the service.

Approved April 19, 1862.

AN ACT to limit the act authorizing the suspension of the writ of habeas corpus.

The Congress of the Confederate States of America do enact, That the act authorizing the suspension of the writ of habeas corpus, is hereby limited to arrests made by the authorities of the Confederate Government, or for offenses against the same.

SEC. 2. *Be it further enacted*, That the act which this act is intended to limit shall continue in force for thirty days after the next meeting of Congress, and no longer.

Approved April 19, 1862.

AN ACT to authorize the employment of drill-masters.

The Congress of the Confederate States of America do enact, That the President be and he is hereby authorized and empowered to appoint drill-masters for camps of instruction or reserve forces in any arm of the military service, with such pay as the Secretary of War may prescribe.

Approved April 19, 1862.

AN ACT to regulate the collection of the war tax in certain States invaded by the enemy.

The Congress of the Confederate States of America do enact, That where any State has assumed, or shall assume, the payment of the tax imposed by the act entitled An act to authorize the issue of Treasury notes, and to provide a war tax for their redemption, approved the nineteenth day of August, eighteen hundred and sixty-one, and any portion of such State shall be occupied by the enemy, so as to occasion the destruction of crops, or prevent the raising thereof, or to prevent the State from collecting taxes therein, the President may, under an agreement with the State authorities of such States, suspend the payment into the Treasury of such portions of the tax assumed by such State as may have been, or may be, assessed upon the property of the inhabitants of such districts so occupied by the enemy, until further provision be made by Congress.

SEC. 2. The suspension of all proceedings in relation to the collection of the war tax in the States of Missouri and Kentucky, authorized by the Secretary of the Treasury, is confirmed, and he is hereby directed to take no action thereon until further legislation by Congress.

Approved April 19, 1862.

AN ACT to provide for the payment of officers of the Virginia militia for services rendered.

The Congress of the Confederate States of America do enact, That all officers and non-commissioned officers of the Virginia militia who have been called into the service of the Confederate States by the order of any commanding officer of the C. S. Army authorized to make such call, or by the proclamation of the Governor of Virginia in obedience to requisitions duly made upon him by the President, shall be allowed, under the direction of the Quartermaster-General, compensation for the period of their actual service according to the rate of pay and allowances to which officers and non-commissioned officers of corresponding grades in the C. S. Army are by law entitled.

SEC. 2. Before any officer of militia shall be entitled to receive pay under the provisions of the preceding section, he shall present to the proper officer to whom he may apply for payment, a certificate signed by the commandant of the brigade, regiment or battalion of militia to which he may have been attached, and approved by the commanding general of the army corps or department, with which such brigade, regiment or battalion was serving, which certificate shall state the precise period during which such officer was actually in service and performed duty according to his rank, not including in such period whatever time such officer was absent from duty with his command, unless absent on furlough, or detached or detailed service, by order of the commanding officer. Non-commissioned officers shall be required to present like certificates, signed by the commanding officer of the regiment or battalion to which they belong, before being entitled to receive their pay.

SEC. 3. All staff officers of the Virginia militia, duly appointed and qualified, according to the laws of Virginia, shall be entitled to receive the same pay and allowances as are provided by law for officers of corresponding grades in the C. S. Army, upon a like certificate that they have actually been in service and performed the duties prescribed for their respective grades by the laws of Virginia, and the laws and Army Regulations of the Confederate States.

SEC. 4. No payments under this act shall be allowed for any period subsequent to the thirtieth day of March, eighteen hundred and sixty-two, nor shall any junior major of a regiment to which two majors may be attached, nor any paymaster or surgeon's mate be deemed to be entitled to pay or allowances under the provisions of this act.

Approved April 19, 1862.

AN ACT to amend an act entitled "An act to increase the Corps of Artillery, and for other purposes," approved August 21, 1861.

The Congress of the Confederate States of America do enact, That section 3 of an act entitled "An act to increase the Corps of Artillery, and for other purposes," approved August 21, 1861, be so amended as to authorize the President to increase the salaries of master armorers or any of them to a sum not exceeding $2,000 per annum.

Approved April 19, 1862.

AN ACT to amend the several acts in relation to the pay of chaplains in the Army.

The Congress of the Confederate States of America do enact, That hereafter the pay of chaplains in the Army shall be $80 per month, with rations as now provided by law

Approved April 19, 1862.

AN ACT to recognize the organization of certain military companies.

The Congress of the Confederate States of America do enact, That in all cases heretofore occurring where companies not having the minimum number of men necessary to form a company as required by existing laws, have been organized into companies which have entered into the service by order of the commanding general or been received by such officer into the service, in all such cases the Secretary of War is hereby authorized and required to recognize said companies as if duly organized under existing laws, and the officers of said companies are hereby declared as entitled to the same rank to which they would have been entitled if the companies had been duly organized; and the officers and men thereof shall be entitled to draw their pay and rations as if they had been duly authorized under existing laws.

Approved April 19, 1862.

AN ACT to prohibit the transportation and sale of certain articles in any port or place within the Confederate States, in the possession of the enemy, and to prohibit the sale, barter or exchange of certain articles therein named, to alien or domestic enemies.

The Congress of the Confederate States of America do enact, That it shall be unlawful for any person, either by himself or his agent, or in any manner whatever, to transport to any port or place in the Confederate States, which may be at the time in the possession of the enemy, or to sell therein, any cotton, tobacco, sugar, rice, molasses, sirup or naval stores.

SEC. 2. *Be it further enacted*, That the provisions of the act entitled "An act to prohibit the exportation of cotton from the Confederate States, except through the sea-ports of the said States, and to punish persons offending therein," be and the same are hereby extended to any person or persons violating the foregoing section of this act, and, in addition to such punishment, the party or parties offending shall forfeit and pay the Confederate States the value of the article sold or transported.

Approved April 19, 1862.

AN ACT declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice-President.

The Congress of the Confederate States of America do enact, That in case of removal from office, death or resignation both of the President and Vice-President of the Confederate States, or of the inability of both to discharge the powers and duties of the office of President, then the President of the Senate, *pro tempore*, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being, shall act as President of the Confederate States, until the disability be removed, or a President shall be elected and inaugurated.

Approved April 19, 1862.

GENERAL ORDERS, No. 26.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 19, 1862.

I. It is made the duty of commanding officers of companies to sign with their own proper signatures all muster-rolls of their companies,

all final statements, certificates of disability, and descriptive lists. That power is not to be delegated to or exercised by any other person. Soldiers' discharges will be signed by commanding officers of regiments or commands to which their companies belong. Great confusion daily arises from the constant pursual of a different course. Sick, disabled, and discharged soldiers are very often unable to obtain their pay, the discrepancy of signatures rendering it impossible for this Department to verify the same.

II. Attention is called to paragraph 1066, Army Regulations, which provides that "as far as practicable officers are to draw their pay from the quartermaster of the district where they may be on duty." Hereafter no payment will be made to an officer on separate pay account by any other than the quartermaster of the post or regiment to which the officer may belong, except he be absent from his station under orders, on leave, or on account of sickness, and then only from the 1st of the month during which such absence occurs to its termination, and for such subsequent full month or months as he may continue to be detached from his regular station, unless he furnishes satisfactory evidence that payment could not be made him before leaving.

By order of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

SAVANNAH, *April 19, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War:

The Governor of Georgia says he expects the Confederate Government to appoint enrolling officers to carry out conscription law. He will furnish militia rolls and all facilities in his power, but will not undertake the enrollment. I fear it will be necessary to let Georgia State troops go home, and to commence new organizations immediately from those willing to remain. This may be done to considerable extent. I request authority to act under the law as I may think circumstances demand.

J. C. PEMBERTON,
Major-General, Commanding.

APRIL 21, 1862.

To the SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES:

I deem it proper to inform you that a number of acts passed by the Congress were presented to me at a very late hour on Saturday night. I have examined them as carefully as the limited time at my disposal has permitted, and have returned nearly all of them with my approval. There are, however, three of them to which I have objections, which it is impossible to communicate to you in writing within the few remaining hours of the session, and which will therefore fail to become laws. Happily the acts in question are not of great public importance. Recognizing, as I do, the right of Congress to receive the fullest information from the Executive on all matters of legislation on which his concurrence is required by the Constitution, I have considered it

more respectful to the Congress to make this statement of the cause which has prevented my action on these bills than to retain them without assigning my reason for so doing.

JEFFERSON DAVIS.

AN ACT to authorize the exchange of bonds for articles in kind, and the shipment, sale, or hypothecation of such articles.

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury be, and he is hereby authorized to exchange the bonds or stock of the Confederate States for any articles in kind, which may be required for the use of the Government, the said articles to be valued according to such regulations as the said Secretary shall make.

SEC. 2. It shall be the duty of the Commissary and Quartermaster Generals to direct their various officers to receive, at the place of purchase, all such articles purchased as are applicable to their several departments, and to apply the same in the same manner as if purchased directly by themselves; and the officer to whom each article is delivered shall be charged with the value as declared by the purchase, and shall be bound to account for the same.

SEC. 3. The said Secretary is also authorized to accept for the use of the Government in exchange for the said bonds or stock, cotton, tobacco, and other agricultural products in kind, which have been subscribed to the produce loan, or which may be subscribed in kind at such rates as may be adjusted between the parties and the agents of the Government: *Provided*, That in no event shall he receive of cotton or tobacco, a greater value than $35,000,000; and the said Secretary is further authorized to deposit the same at such places as he shall deem proper, and to procure advances thereon by hypothecation, or to ship the same abroad, or to sell the same at home or abroad, as he may deem best; and, to assist these operations, the said Secretary may issue produce certificates, which shall entitle the party to whom issued, or his indorsee, to receive the produce therein set forth, and to ship the same to any neutral port, in conformity with the laws of the Confederate States.

SEC. 4. The Secretary of the Treasury may, from time to time, appoint and dismiss such agents as he may deem requisite to carry into effect the provisions of this act. Their compensation shall be a brokerage upon the business completed by them at such rates as the Secretary of the Treasury shall adjust by general regulation.

SEC. 5. The Secretary of the Treasury may, from time to time, issue regulations for carrying out all the details involved in the provisions of this act, which shall be obligatory upon all parties concerned therein.

Approved April 21, 1862.

A BILL [AN ACT] for the enlistment of cooks in the Army.

The Congress of the Confederate States of America do enact, That hereafter it shall be [the] duty of the captain or commanding officer of his company to enlist four cooks for the use of his company, whose duty it shall be to cook for such company—taking charge of the supplies, utensils and other things furnished therefor, and safely keep

the same, subject to such rules and regulations as may be prescribed by the War Department or the colonel of the regiment to which such company may be attached:

[SEC. 2.] *Be it further enacted*, That the cooks so directed to be enlisted, may be white or black, free or slave persons: *Provided, however*, That no slave shall be so enlisted, without the written consent of his owner. And such cooks shall be enlisted as such only, and put on the muster-roll and paid at the time and place the company may or shall be paid off, $20 per month to the chief or head cook, and $15 per month for each of the assistant cooks, together with the same allowance for clothing, or the same commutation therefor that may be allowed to the rank and file of the company.

Approved April 21, 1862.

AN ACT to increase the Corps of Engineers of the Provisional Army.

The Congress of the Confederate States of America do enact, That the President be and he is hereby authorized to appoint with the advice and consent of the Senate, an additional number of officers in the Engineer Corps of the Provisional Army, of a rank not higher than captain: *Provided*, That the whole corps shall not exceed one hundred.

Approved April 21, 1862.

AN ACT to authorize the appointment of officers of artillery in the Provisional Army.

The Congress of the Confederate States of America do enact, That for the purpose of enlarging the number of officers of artillery, and enabling them to discharge more effectually the duties of ordnance officers, the President is hereby authorized to appoint, with the advice and consent of the Senate, officers of artillery, of the rank of captain and first lieutenant, in the Provisional Army, not exceeding eighty in number.

Approved April 21, 1862.

AN ACT making appropriations to carry into effect "An act authorizing the exchange of bonds for articles in kind, and the shipment, sale or hypothecation of such articles."

The Congress of the Confederate States of America do enact, That for the purpose of carrying into effect an act authorizing the exchange of bonds for articles in kind, and the shipment, sale, or hypothecation of such articles, the sum of $2,000,000 is hereby appropriated.

Approved April 21, 1862.

AN ACT to increase the facilities of importing goods, wares and merchandise into the ports of the Confederate States.

The Congress of the Confederate States of America do enact, That it shall be lawful for vessels to unload their cargoes on any part of the coast of the Confederate States, and that the laws requiring entry of

vessels or discharge of their cargoes at designated ports, and prescribing penalties for failure to do so, shall be, and the same are hereby, suspended.

Approved April 21, 1862.

AN ACT supplementary to An act further to provide for the public defense.

The Congress of the Confederate States of America do enact, That the President be and he is hereby authorized, to accept the services of any companies, squadrons, battalions or regiments which have been organized and are now in service under the authority of any of the States of the Confederacy, and which may be tendered by the Governors of said States, with an organization conforming to the act of March sixth, A. D. eighteen hundred and sixty-one, "to provide for the public defense."

Approved April 21, 1862.

AN ACT to exempt certain persons from enrollment for service in the armies of the Confederate States.

The Congress of the Confederate States of America do enact, That all persons who shall be held to be unfit for military services under rules to be prescribed by the Secretary of War; all in the service or employ of the Confederate States; all judicial and executive officers of Confederate or State Governments; the members of both Houses of the Congress and of the Legislatures of the several States and their respective officers; all clerks of the officers of the State and Confederate Governments allowed by law; all engaged in carrying the mails; all ferrymen on post routes; all pilots and persons engaged in the marine service and in actual service on river and railroad routes of transportation; telegraphic operators, and ministers of religion in the regular discharge of ministerial duties; all engaged in working iron mines, furnaces and foundries; all journeymen printers actually employed in printing newspapers; all presidents and professors of colleges and acadamies, and all teachers having as many as twenty scholars; superintendents of the public hospitals, lunatic asylums and the regular nurses and attendants therein, and the teachers employed in the institutions for the deaf and dumb, and blind; in each apothecary store now established and doing business one apothecary in good standing who is a practical druggist; superintendents and operatives in wool and cotton factories, who may be exempted by the Secretary of War; shall be and are hereby exempted from military service in the Armies of the Confederate States.

Approved April 21, 1862.

AN ACT to amend an act entitled An act to further provide for the public defense, passed the sixteenth day of April, eighteen hundred and sixty-two.

The Congress of the Confederate States of America do enact, That all vacancies shall be filled by the President from the company, battalion, squadron or regiment in which such vacancies shall occur, by promotion, according to seniority, except in cases of disability or other

incompetency, and that whenever a vacancy shall occur in the lowest grade of commissioned officers of a company, such vacancies shall be filled by election: *Provided, however*, That the President may, when in his opinion it is proper, fill any vacancy by the promotion of any officer from any company, battalion, squadron or regiment in which the same may occur, who shall have been distinguished in service by the exhibition of extraordinary valor and skill; and that when any vacancy shall occur in the lowest grade of commissioned officers of any company, the same may be filled by selection by the President of any non-commissioned officer or private from the company in which said vacancy may occur, who shall have been distinguished in the service by the exhibition of extraordinary valor and skill; and that appointments made by the President shall be by and with the advice and consent of the Senate.

Approved April 21, 1862.

MONTGOMERY, *April 21, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War:

Shall in a very short time have from twelve to fifteen regiments organized, without blankets. Mr. Benjamin wrote me they would be sent. Does clause 18, of Special Orders, No. 80, from War Department, refer to State arms in hands of ninety-days' troops serving at Mobile? I cannot suppose that it does. Prisoners at Talladega will reach Selma to-day. Near 1,000 prisoners there without blankets; almost without clothing. Can get bagging for them if authorized. Do State authorities enroll under conscript act?

JNO. GILL SHORTER,
Governor.

[First indorsement.]

Forward the blankets as soon as possible.

G. W. R.

[Second indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
April 25, 1862.

Major Calhoun, quartermaster at Montgomery, ordered to procure bagging for the prisoners. Major Lee, Charleston, ordered to send 5,000 blankets for issue to the Alabama regiments—new troops.

Respectfully returned to Secretary of War.

A. C. MYERS,
Quartermaster-General.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., April 22, 1862.

His Excellency JEFFERSON DAVIS,
Richmond, Va.:

DEAR SIR: So soon as I received from the Secretary of War official notice of the passage by Congress of the conscription act, placing in the military service of the Confederate States all white men between the ages of eighteen and thirty-five years, I saw that it was impossible for me longer to retain in the field the Georgia State troops without probable collision and conflict with the Confederate authorities in the

face of the enemy. I therefore acquiesced in the necessity which compelled me to transfer the State forces to the command of the Confederate general at Savannah, and tendered to General Lawton, who commands the Military District of Georgia, not only the conscripts in the State army, but also those not conscripts for the unexpired term of their enlistment. General Lawton accepted the command with the assurance that he would interfere as little as possible with the company and regimental organizations of the troops. This assurance I trust the Government will permit him to carry out in the same spirit of liberality in which it was given. If the State regiments are broken up and the conscripts belonging to them forced into other organizations against their consent it will have a very discouraging effect. If the regiments and companies were preserved and permission given to the officers to fill up their ranks by recruits there would be no doubt of their ability to do so, and I think they have a just right to expect this privilege. Georgia has promptly responded to every call made upon her by you for troops, and has always given more than you asked. She has now about 60,000 in the field. Had you called upon her Executive for 20,000 more (if her just quota), they would have been furnished without delay. The plea of necessity, so far at least as this State is concerned, cannot be set up in defense of the conscription act. When the Government of the United States disregarded and attempted to trample upon the rights of the States Georgia set its power at defiance, and seceded from the Union rather than submit to the consolidation of all power in the hands of the central or Federal Government. The conscription act not only put it in the power of the Executive of the Confederacy to disorganize her troops, which she was compelled to call into the field for her own defense in addition to her just quota because of the neglect of the Confederacy to place sufficient troops upon her coast for her defense, which would have required less than half the number she has sent to the field, but also places it in his power to destroy her State government by disbanding her law-making power.

The constitution of this State makes every male citizen who has attained the age of twenty-one years eligible to a seat in the House of Representatives of the General Assembly, and every one who has attained the age of twenty-five eligible to a seat in the Senate. There are a large number of the members of the General Assembly between the ages of eighteen and thirty-five. They are white citizens of the Confederate States, and there is no statute in the State, and I am aware of none in the Confederate States' code, which exempts them from military duty. They, therefore, fall within the provisions of the conscription act. It may become necessary for me to convene the General Assembly in extra session; or, if not, the regular session will commence the first Wednesday in November. When the members meet at the capitol, if not sooner, they might be claimed as conscripts by a Confederate officer and arrested with a view to carry them to some remote part of the Confederacy as recruits to fill up some company now in service. They have no military power, and could only look to the Executive of the State for military protection, and I cannot hesitate to say that in such case I should use all the remaining military force of the State in defense of a co-ordinate constitutional branch of the Government. I can, therefore, permit no enrollment of the members of the General Assembly under the conscription act. The same is true of the judges of the supreme and superior courts, should any of them fall within the ages above mentioned, and of the secretaries of

the executive department, the heads and necessary clerks of the other departments of the State Government, and the tax collectors and receivers of the different counties, who are now in the midst of their duties, and are not permitted by law to supply substitutes, and whose duties must be performed or the revenues of the State cannot be collected. The same remark applies to the staff of the commander-in-chief. There is no statute exempting them from military duty for the reason that they are at all times subject to the command of the Governor and are not expected to go into the ranks. The State's quartermaster, commissary, ordnance, and engineer departments fall within the same rule. The major-generals, brigadier-generals, and other field officers of the militia would seem to be entitled to like consideration.

Again, the Western and Atlantic Railroad is the property of the State, and is under the control and management of the Governor. It is a source of revenue to the State, and its successful management is a matter of great military importance both to the State and the Confederacy. I now have an efficient force of officers and workmen upon the road, and must suspend operations if all between eighteen and thirty-five are taken away from the road. I would also invite your attention to the further fact that the State owns and controls the Georgia Military Institute, at Marietta, and now has in the institute over 125 cadets, a large proportion of whom are within the age of conscripts. If they are not exempt this most important institution is broken up. I must not omit in this connection the students of the State University and of the other colleges of the State. These valuable institutions of learning must also be suspended if the law is enforced against the students. I would also respectfully call your attention to the further fact that in portions of our State where the slave population is heavy almost the entire white male population capable of bearing arms (except the overseers on the plantations) are now in the military service of the Confederacy. Most of these overseers are over eighteen and under thirty-five. If they are carried to the field thousands of slaves must be left without overseers, and their labor not only lost at a time when there is great need of it in the production of provisions and supplies for our armies, but the peace and safety of helpless women and children must be imperiled for want of protection against bands of idle slaves, who must be left to roam over the country without restraint. It is also worthy of remark that a large proportion of our best mechanics, and of the persons engaged in the various branches of manufacturing now of vital importance to the success of our cause, are within the ages which subject them to the provisions of the conscription act. My remark that I cannot permit the enrollment of such State officers as are necessary to the existence of the State government and the working of the State road does not of course apply to persons engaged in the other useful branches of industry considered of paramount importance; but I must ask, in justice to the people of this State, that such exemptions among these classes be made as the public necessities may require.

As you are well aware, the military operations of the Government cannot be carried on without the use of all our railroads, and the same necessity exists for the exemption of all other railroad officers and workmen which exists in the case of the State road. There are doubtless other important interests not herein enumerated which will readily occur to you which must be kept alive or the most serious consequences must ensue. The Constitution gives to Congress the power

to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress. The conscription act gives the President the power to enroll the entire militia of the States between eighteen and thirty-five, and takes from States their constitutional right to appoint the officers and to train the militia. While the act does not leave to the States the appointment of a single officer to command the militia employed in the service of the Confederate States under its provisions, it places it in the power of the President to take a major-general of the militia of a State, if he is not thirty-five years of age, and place him in the ranks of the C. S. Army under the command of a third lieutenant appointed by the President, and to treat him as a deserter if he refuses to obey the call and submit to the command of the subaltern placed over him. I do not wish to be understood in any portion of this letter to refer to the intentions of the President, but only to the extraordinary powers given him by the act. This act not only disorganizes the military systems of all the States, but consolidates almost the entire military power of the States in the Confederate Executive with the appointment of the officers of the militia, and enables him at his pleasure to cripple or destroy the civil government of each State by arresting and carrying into the Confederate service the officers charged by the State constitution with the administration of the State government. I notice, by a perusal of the conscription act, that the President may, with the consent of the Governors of the respective States, employ State officers in the enrollment of the conscripts. While I shall throw no obstructions in the way of the general enrollment of persons embraced within the act, except as above stated, I do not feel that it is the duty of the Executive of a State to employ actually the officers of the State in the execution of a law which virtually strips the State of her constitutional military powers, and, if fully executed, destroys the legislative department of her government, making even the sessions of her General Assembly dependent upon the will of the Confederate Executive. I therefore respectfully decline all connection with the proposed enrollment and propose to reserve the question of the constitutionality of the act and its binding force upon the people of this State for their consideration at a time when it may less seriously embarrass the Confederacy in the prosecution of the war. You will much oblige by informing me of the extent to which you propose making exemptions, if any, in favor of the interests above mentioned, and such others as you may consider of vital importance. The question is one of the greatest interest to our people, and they are anxious to know your pleasure in the premises.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA,
ENGINEER BUREAU, WAR DEPARTMENT,
Richmond, Va., April 22, 1862.

Hon. G. W. RANDOLPH,
Secretary of War:

SIR: The Keysville and Clarksville connection between the Richmond and Danville and the North Carolina railroads having been

brought officially to my notice, I at once selected A. M. Dupuy, a civil engineer of experience, to make a thorough examination and report the result of his labors. His estimate (herewith inclosed) to complete the road in the manner originally contemplated and at present prices is about $540,000. By adopting temporary expedients this amount may probably be reduced to $500,000. It is proper to mention, however, that Colonel Jones, the engineer of the company, stated in a recent conversation that in his judgment the road could be built for $400,000. The time of construction, if vigorously prosecuted, might probably be reduced to four months. An examination of the map will at once convey a clear idea of the importance to be attached to this work. There are two points in Mr. Dupuy's report which should be especially noted: First (a matter of moment), the bad condition of the Roanoke Valley Railroad, which consequently needs repairs; and, second (of much less consequence), the rather high figure in his estimates of $32 per foot for bridging, owing to his utter condemnation of lattice bridges when constructed of green timber, a professional opinion in which I do not fully concur.

With great respect, your obedient servant,

A. L. RIVES,
Acting Chief of Engineer Bureau.

[Inclosure.]

RICHMOND, *April 19, 1862.*

Capt. A. L. RIVES,
Acting Chief Engineer, &c.:

SIR: I submit the following report of an examination which you instructed me to make of the line of railroad from Clarksville to Keysville. The line as at present located is thirty-one miles and forty-four one-hundredths in length. It has all been cleared to a minimum width of eighty feet, and the felled timber which would answer the purpose has been made into cross-ties for the road. I have estimated the number prepared in this way at about 30,000. At the end of the line next to Clarksville an amount of work about equivalent to the grading of the first two miles has been done. The piers and abutments of the bridges crossing the Dan and Staunton Rivers are finished, but the superstructure remains to be built. There are eleven spans in all, of 112 feet each, making a total length of 1,232 feet. The time necessary for the erection of this bridge will regulate the time required for the completion of the whole line. There is no seasoned timber to be had convenient to the work, and green timber will probably have to be cut and sawed for the purpose. The framing can progress as it is being delivered, and in the course of between three and four months after the work is commenced I think it can be completed. The plan of bridge originally proposed is that of Howe's truss. While I think it in ordinary circumstances the best wooden bridge now used, the quantity of iron required in this plan and the difficulty of procuring it will render the structure very expensive. The lattice bridge, although free from this objection, is subject to another and perhaps a more serious one. When built of the best seasoned timber it is liable to warp and settle, but if made of green timber we must expect nothing else. The plan which I propose under the circumstances is that known as the Burr bridge with arches. It is in a great measure free from the objections attaching to the other two plans, and while it cannot be screwed up and adjusted in event

of settling, as can the Howe bridge, the difficulty may be obviated to a great degree by building it with a slight camber. At the Keysville terminus there are ten miles of the line graded and ready to receive the track, of which three miles and one-quarter have already been laid with 50-pound rail. The masonry and work on the line generally seem to have been well executed, although one box culvert laid dry about a mile from Keysville has given way and a breach has been made in the embankment.

Estimate of the work remaining to be done.

Soft rock excavation, 53,500 cubic yards, at $1.50	$80,250.00
Earth excavation, 515,300 cubic yards, at 20 cents	103,060.00
Barrowing, 150,360 cubic yards, at 20 cents	30,072.00
Extra haul, 719,160 cubic yards, 300 feet (over 500 feet), at 1½ cents	32,362.20
Box culverts, 3,200 cubic yards, at $4	12,800.00
Cement masonry, 140 cubic yards, at $6	840.00
Bridge superstructure, 1,232 linear feet, at $32	39,424.00
Trestling, 150 linear feet, at $10	1,500.00
Cross-ties, 50,000, at 30 cents	15,000.00
Rails for 30 miles (including turn-outs, &c.), at $6,000	180,000.00
Chairs, 15,000, at 75 cents	11,250.00
Spikes, 105,000, at 10 cents	10,500.00
Laying track 30 miles, at $400 per mile	12,000.00
Depot buildings, water stations, etc	1,500.00
Engineering expenses	3,500.00
Land damages, 378 acres, at $15	5,670.00
	539,728.20

In annexing prices to the foregoing quantities I have endeavored not to underestimate the cost of the work. The great uncertainty existing in our midst about the cost of provisions and all the implements necessary for executing work on railroads tend greatly to increase the prices of various items of railroad construction, and that, too, when ordinary slave laborers may be had for little more than half the prices which they formerly commanded.

The estimate as made above is on the line as now located. I am quite satisfied that changes can be made in the alignment of the road which will greatly reduce its cost. I am satisfied of this not only from my own observations but from the fact that where the work has already been constructed the line has been adjusted more carefully to the ground than elsewhere, as if the engineer in charge on more careful examination had been able to effect important economical changes. It may not transcend the limits of my instructions and my duty to report that the railroad in connection with which this is to run, viz, the Roanoke Valley Railroad, is in very bad condition, and that repairs on it should commence quite as soon as the construction of this work. I would also offer for your consideration the fact that the rails have been laid on the two roads with different gauges.

Very respectfully,

A. M. DUPUY.

MOBILE, *April 23, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War:

SIR: I am well acquainted with G. Huggins Cleveland, who is anxious to raise a creole battalion or regiment. He is a man of character and much respected, and will do good service in any station. I,

too, highly approve of his plan. I know the character of the population he proposes to enlist, and think they will render as efficient aid as any class we have. If the rules of the Department will permit it, I hope he will be accepted.

I am, yours, very respectfully,

E. S. DARGAN.

[Inclosure.]

MOBILE, ALA., *April 23, 1862.*

SIR: I can raise a battalion or regiment of creoles, who are mixed blooded; all of them free under the treaty with France by which Louisiana was acquired. They are mostly property-holders, owning slaves, and a peaceable, orderly class, and capable of doing good service. They are as true to the South as the pure white race. As yet none of them have gone to the war, but have been anxious to do so. If such a battalion or regiment can be received, I can raise it in a few days. Please let me know if such material will be accepted.

I am, very respectfully, your obedient servant,

G. HUGGINS CLEVELAND.

RICHMOND, VA., *April 23, 1862.*

Governor BROWN,
Savannah:

An act has passed and been approved authorizing the President to accept State troops, if tendered by the Governor and authorized in conformity with the act of March 6, 1861. You can therefore tender your State troops, and if organized in conformity with said act they will be received.

G. W. RANDOLPH,
Secretary of War.

[APRIL 23, 1862.—For Milton to Randolph, in relation to the organization of troops in Florida, see Series I, Vol. LIII, p. 238.]

MILITARY DEPARTMENT,
Columbia, S. C., April 23, 1862.

Hon. G. W. RANDOLPH,
Secretary of War:

SIR: I ask leave to inclose a report* made by me to the Governor and Council of South Carolina, a copy of which in February last was sent to your predecessor. It relates to the power of appointment in the regular forces raised by South Carolina anterior to the formation of our present Confederacy and subsequently turned over to the Confederate Government. A difference of opinion had arisen between the Confederate Government and this State as to the power of appointment of officers in said forces. The report was sent for the purpose of presenting the views of the Governor and Council on the subject. No response has ever been received to the communication inclosing

* See February 10, p. 913.

the report, and we proceeded, as we thought we had the right to do, to appoint officers and fill vacancies. Since then I received a communication from Col. W. R. Calhoun, commanding at Fort Sumter, inclosing an opinion from you that the power of appointment in these formations was in the President of the Confederate States. With a view to prevent conflict I ask leave again to call your attention to the subject and to the perusal of the inclosed report. Embraced in this regular force was a battalion of dismounted dragoons. It has dwindled down to only two companies. I desire to know, first, whether you will permit us to raise it to a full battalion by recruiting three more companies, and whether you will accept the officers whom we shall appoint for that purpose; second, whether you will permit the officers to assure a bounty from the Confederate Government as heretofore provided for recruits for the war.

With great respect, I have the honor to be, most respectfully, your obedient servant,

JAMES CHESNUT, JR.,
Chief of Military Department of South Carolina.

DEMOPOLIS, ALA., *April 24, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War:

SIR: In obedience to your instructions handed to me at Richmond, I proceeded at once to the line of the railroad from Selma, in Alabama, to Meridian, in Mississippi, and up to the present time have endeavored to obtain such information as I could as to the present condition of the road and prospects of its early completion. I have delayed a report to you until now so that I could obtain an interview with the president and directors of the Alabama and Mississippi Rivers Railroad Company and ascertain their prospects and plans for the early completion of their road so as to connect at Meridian. On yesterday I attended a session of the board of directors and had a conference with them on the subject of the road. The first and most important object of the company was to obtain the advance of the $150,000 authorized by Congress, and to this end the following papers were prepared and submitted to my examination, to wit: First, the note of the company, payable to the Confederate States of America, for $150,000, ten years after date; second, a mortgage on the entire road bed, fixtures, rolling-stock, depot property, machine-shops, &c., to secure the payment of the note; third, the obligation of the company, with ample personal security, for the prompt and faithful application of the money toward the completion of the road; fourth, an agreement by the company in the meantime to transport promptly over their road, or any part of it, any and all troops, munitions of war, provisions, or other articles which the Government may desire to forward, and to credit any expense thus incurred by the Government on the note of the company till the amount thereof be extinguished.

These several papers duly executed will be transmitted to you so soon as the mortgage can be recorded in the four counties of Dallas, Perry, Marengo, and Sumter, through which the road passes. I have made an estimate of the value of the road with its fixtures, depot property, rolling-stock, machine-shops, &c., and have looked into the

liens already existing upon the property of the company, and am satisfied the security offered by the mortgage is amply good. I will, if you prefer, send you a detailed statement of my estimates of the value of the road and of the existing liens upon it. If upon receiving the several papers above enumerated you should concur with me in opinion that the repayment of the $150,000 is amply secured by the mortgage, the company will desire to receive the money at the earliest possible day, and a check or dratt on Mobile would answer the purposes of the company. Knowing it to be the desire of the Government to have this route in a condition to be used at the earliest possible moment, I have directed my inquiries in the first instance to the completion of the road to this point, and to the best and shortest mode of reaching the Mobile and Ohio Railroad from this place. The railroad from Selma to this place is now completed within eight miles of this place, and will be within five miles in two weeks. From this point to Gainesville, on the Tombigbee River, a distance of about thirty miles by land, and about double that number of miles by water, the river is now in fine condition for navigation, and steam-boats could readily be procured in Mobile to be used on this route if needed by the Government. From Gainesville to the Mobile and Ohio Railroad, a distance of some twenty miles, a railroad has already been completed with the exception of some two miles near Gainesville. I have placed myself in communication with the president of the Gainesville road, and have earnestly urged the prompt building of the two miles of the road now unfinished. I refer to this route so that it may be brought in use by the Government if required. The president and directors of the Alabama and Mississippi Rivers Railroad Company promise to use every effort to push forward their road. They adopted a resolution authorizing me to exercise the power conjointly with their principal engineer of directing the progress of the work, and I shall devote to it every possible attention. You will notice that in executing the note for $150,000 nothing is said upon the subject of interest. In reference to the interest, the company take the ground that for the accommodation of the Government they will have to make sacrifices to finish their road, iron and materials being at this moment quite high. I am satisfied there is much force in the ground assumed by the company on the question of interest, but I deemed it best to take the obligation of the company to credit on the note any claims against the Government for services rendered by the road even before the maturity of the note. The company have engaged about 1,000 tons of railroad iron now in New Orleans, which will have to be forwarded by the New Orleans and Jackson Railroad and the Southern Railroad. As these roads are understood to be under the control of the Government, I have to request that you will furnish me at once an order to these companies to transport the iron without delay.

Another subject I desire to bring to your notice. A railroad has been constructed from the town of Cahaba, on the Alabama River, to Marion, in Perry, a distance of twenty-eight to thirty miles. This road has been unprofitable to its stockholders, is now understood to be involved in a chancery suit, and might, without much public inconvenience, be dispensed with. You will see from the map that this road crosses the Alabama and Mississippi Rivers Railroad about fourteen miles from Marion. As the rails on the road and its rolling-stock would be important in completing and equipping the Alabama and Mississippi Rivers Railroad, and even essential (as it is now quite difficult to procure by

purchase either rails or rolling-stock), I respectfully advise that you give me an order to impress the rails from Cahaba to the place of crossing the Alabama and Mississippi Rivers Railroad with the rolling-stock, materials on hand, &c., to be used in completing the Alabama and Mississippi road upon such terms and conditions as to compensation as you may deem best. I understand such an order from the Government would be willingly acquiesced in by many of the principal stockholders in this company, as the road is now doing nobody much good. The Alabama and Mississippi Rivers Railroad Company have taken steps to arrange a proper connection at Reagan with the Northeast and Southwest Company. If before the road can be completed the Government should find occasion to send troops on this road I am assured by the company that every effort will be made to pass them speedily by way of the river route to Gainesville, provided a few days' notice be given in advance of the desire of the Government.

One other suggestion and I will close this report, already longer than I could wish. In the event the enemy should get into possession of Mobile the road from Selma to Meridian will become a necessity to the Government. Most of the planters in this part of the country have pretty much abandoned the cultivation of cotton and put their lands in corn. This state of things will diminish the labor usually employed in the cultivation of crops, and hands can on many plantations be spared for other purposes. Negro laborers could to a considerable extent be impressed by the Government without much public injury. If therefore you deem it advisable to cause the road from Selma to Meridian to be completed at the earliest possible day, and think proper to give the necessary order for impressing laborers, your order will be promptly and carefully executed.

I am, very respectfully,

A. S. GAINES,
Engineer and Special Agent.

P. S.—I am informed that the Marion and Cahaba Railroad Company have on hand 400 tons of iron and 400 kegs of spikes not heretofore used and proposed to be used on an extension of their road now abandoned. I hope your order will be broad enough to allow me to take these. I am further informed that the Eufaula Railroad Company have a new locomotive and certain cars and spikes at Montgomery, and that the building of their road has been suspended. I suggest that your order be broad enough to allow these to be taken and used also.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, April 24, 1862.

Hon. GEORGE W. RANDOLPH,
Secretary of War, Richmond, Va.:

SIR: I desire to carry out the conscription act fairly and to the fullest extent of the wants of the country; and presume, as a guide, that you will publish some regulations and instructions in detail to aid in understanding the method of carrying it out. But in the meantime I am so circumstanced as to be compelled to make some immediate inquiries, which I trust you will indulge me with a consideration. The late Secretary of War made a call on the State for her quota (being one-sixth of the white population, 631,000), amounting in round

numbers to 38,000. This number is now in field from North Carolina. Twelve regiments of troops originally for the war-service have been fully recruited. The twelve-months' regiments have very generally re-enlisted, taking the furloughs and bounty. Those over thirty-five years who have taken the bounty, I presume, will not be relieved under the ninety-days' clause. Besides the above troops in the Confederate service, within the past two months I have recruited for the war about 10,000 troops, who are mostly now in our camp of instruction (Camp Mangum) near this place, and some companies are still recruiting. These troops were intended to be drilled and disciplined here, and turned out for the defense of the State when required or turned over to the Confederate service if a larger number were required from us. First. I desire now to inquire if the State has her present quota in the field? Until another quota is called will the conscript act be enforced? Second. If more are required, will the recruits now in our Camp Mangum be received in lieu of the conscription; and will the volunteers over thirty-five years be accepted in place of the conscript? Third. Is the volunteering stopped on the passage of the conscription? Fourth. Will the Confederate bounty be paid to any one who volunteers subsequent to the passage of the act? Fifth. Will the conscription act take in the militia officers as well as privates? Sixth. If North Carolina has not in the field her requisite number or quota, will the new volunteers be received; or will there be a conscription to fill up to the maximum the companies of the present regiments? The twelve regiments now in camp of instruction, and organized by election of field officers, are being regularly drilled, but the ordinary camp sickness prevails extensively among them; but they are not armed, and I see but little prospect of procuring arms unless you will capture them from the Yankees. Whenever these regiments can be made available they shall be in service. When and upon what grounds are they to be turned over to you? The solution of these inquiries will aid me much—in fact, are necessary for me to fulfill my engagements to the Confederate States. One answer I would like to have by telegraph—whether volunteers can be received since the passage of the conscript act.

Most respectfully, yours,

HENRY T. CLARK.

RICHMOND, VA., *April 26, 1862.*

Honorable SECRETARY OF WAR:

To carry into full effect the act of Congress approved April 16, 1862, calling citizens of the Confederate States between the ages of eighteen and thirty-five into the military service, it is hereby ordered that so far as the interests of the service will permit the persons employed in the offices of the Executive Departments of the Confederate Government and the staff departments of the Army and Navy will be selected from those not subject to military duty. General officers who are provided with the aides-de-camp allowed by law, should they find it necessary to accept supernumerary or volunteer aides, must only receive those exempt from military service.

JEFFERSON DAVIS.

(Copies to the Secretaries of the Navy, State, and Treasury, and to the Attorney-General and Postmaster-General.)

GENERAL ORDERS, No. 29.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 26, 1862.

I. The following regulations concerning substitutes in the Army are published by direction of the Secretary of War:

1. Any non-commissioned officer or soldier not indebted to the Government who wishes to procure a substitute may obtain from his captain a permit for the proposed substitute to report himself at the camp of the company for examination, and such permit shall operate as a passport, but shall not entitle the holder to transportation at the expense of the Government.

2. If the substitute be exempt from military duty, and on examination by a surgeon or assistant surgeon of the Army be pronounced sound and in all respects fit for military service, he shall be enrolled and mustered into service for three years, unless the war sooner terminate; and the non-commissioned officer or soldier procuring him shall thereupon be discharged, but shall not be entitled to transportation at the expense of the Government.

3. If a non-commissioned officer or soldier discharged by reason of a substitute be indebted to the Government the officer granting the discharge shall be liable for the debt.

4. All pay and allowances due to the non-commissioned officer or soldier discharged shall go to the substitute at the next pay-day.

5. Substitution shall not exceed one per month in each company, and shall be noted in the next morning report, muster-roll, and monthly return.

II. When any person liable to military duty under the act of Congress, but not mustered into service in any company, desires to furnish a substitute he shall report himself with the substitute to the commandant of a camp of instruction for recruits raised under the said act; and if the substitute be lawfully exempt from military duty and on examination by a surgeon or assistant surgeon be pronounced sound and in all respects fit for military service he may be accepted and enrolled, and the person furnishing such substitute may be discharged by the commandant of the camp. But no substitute shall be entitled to transportation or other allowance at the expense of the Government until so accepted and enrolled.

III. On the reorganization of new companies from companies already in service and the election consequent thereon of officers according to existing laws, the commissions of such of the officers of former companies as may not be re-elected will necessarily expire and they will cease to be in service from the date of reorganization and election.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE OFFICE,
Jackson, Miss., April 26, 1862.

Hon. G. W. RANDOLPH,
Secretary of War:

SIR: I have ordered an enrollment of all men subject to the conscription act. As the law prescribes no mode of putting it in operation, I have adopted this mode as the most expeditious; and as General Beauregard has called on me for 3,000 recruits to fill up the companies under his command, I have issued a proclamation calling for that number of volunteers, believing that I can place them in the companies before the enrollment can be made. You will please give me all the information necessary to put the [law] in full operation as soon as possible. Say to the President that he may rely on Mississippi to the last man.

Respectfully, JOHN J. PETTUS.

RICHMOND, FREDERICKSBURG AND POTOMAC R. R. CO.,
PRESIDENT'S OFFICE,
Richmond, April 26, 1862.

Hon. GEORGE W. RANDOLPH,
Secretary of War:

DEAR SIR: At the risk of seeming tedious, permit me to say that my impression that you were mistaken last night in your recollection of the extent to which Louis Napoleon used railroads in transporting his army into Sardinia is this morning confirmed by a gentleman who is a most experienced and well-informed railroad officer, and is also the most devoted student of geography and military history, with the most accurate and extraordinary memory for every detail, however minute, of battles and all other military operations, that I have ever met with. He is positive in his recollection that not less than 100,000, and probably more, of that army were gradually concentrated at Toulon and sent thence by sea to Genoa, and the rest were during some six weeks being concentrated at a little town (the name of which I now forget) on the confines of France and Italy, whence they were transferred, partly on foot and partly on a double-track railroad, into Sardinia. The capacity of a double-track railroad, adequately equipped like the European railways, may be moderately computed at five times that of a single-track road like those of the Confederate States. For the sudden and rapid movement of a vanguard of an army, to hold in check an enemy till re-enforced, or of a rear guard to cover a retreat, or of any other portion of an army which must move suddenly and rapidly, and for the transportation of ordnance, ammunition, commissary and other military supplies, railroads are available and invaluable to an army. And when these objects of prime necessity are attained they can advantageously carry more troops according to the amount of the other transportation required, the distance, their force and equipment, &c. But to rely on them as a means of transporting any large body of troops, besides what is needed to supply and maintain them, is certainly a most dangerous delusion and must inevitably result in the most grievous disappointment and fatal consequences.

Very respectfully and truly, yours, &c.,
P. V. DANIEL, JR.,
President.

P. S.—As a railroad officer, interest would prompt me to advocate the opposite theory about this matter, for troops constitute the most profitable, if not the only profitable, part of army transportation by railroads. But I cannot be less a citizen and patriot because I am a railroad officer.

GENERAL ORDERS, No. 30.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 28, 1862.

I. The following acts, having passed both Houses of Congress, were duly approved by the President, and are now published for the information of the Army:

AN ACT to organize bands of partisan rangers.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President be, and he is hereby, authorized to commission such officers as he

may deem proper with authority to form bands of partisan rangers, in companies, battalions or regiments, either as infantry or cavalry, the companies, battalions or regiments to be composed each of such numbers as the President may approve.

SEC. 2. *Be it further enacted*, That such partisan rangers, after being regularly received into service, shall be entitled to the same pay, rations and quarters during their term of service, and be subject to the same regulations as other soldiers.

SEC. 3. *Be it further enacted*, That for any arms and munitions of war captured from the enemy by any body of partisan rangers and delivered to any quartermaster at such place or places as may be designated by a commanding general, the rangers shall be paid their full value in such manner as the Secretary of War may prescribe.

Approved April 21, 1862.

AN ACT to further provide for the public defense.

In view of the exigencies of the country, and the absolute necessity of keeping in the service our gallant Army, and of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil: Therefore

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President be, and he is hereby authorized to call out and place in the military service of the Confederate States, for three years, unless the war shall have been sooner ended, all white men who are residents of the Confederate States, between the ages of eighteen and thirty-five years at the time the call or calls may be made, who are not legally exempted from military service. All of the persons aforesaid who are now in the Armies of the Confederacy, and whose term of service will expire before the end of the war, shall be continued in the service for three years from the date of their original enlistment, unless the war shall have been sooner ended: *Provided, however*, That all such companies, squadrons, battalions, and regiments, whose term of original enlistment was for twelve months, shall have the right, within forty days, on a day to be fixed by the commander of the brigade, to reorganize said companies, battalions, and regiments, by electing all their officers, which they had a right heretofore to elect, who shall be commissioned by the President: *Provided, further*, That furloughs not exceeding sixty days, with transportation home and back, shall be granted to all those retained in the service by the provisions of this act beyond the period of their original enlistment, and who have not heretofore received furloughs under the provisions of an act entitled "An act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army," approved eleventh December, eighteen hundred and sixty-one, said furloughs to be granted at such times and in such numbers as the Secretary of War may deem most compatible with the public interest: *And provided, further*, That in lieu of a furlough the commutation value in money of the transportation hereinabove granted, shall be paid to each private, musician, or non-commissioned officer who may elect to receive it, at such time as the furlough would otherwise be granted: *Provided, further*, That all persons under the age of eighteen years or over the age of thirty-five years, who are now enrolled in the military service of the Confederate States, in the regiments, squadrons, battalions, and companies hereafter to be reorganized, shall be required to remain in their respective companies, squadrons, battalions and regiments for ninety days, unless their places can be sooner supplied by other recruits not now in the service, who are between the ages of eighteen and thirty-five years; and all laws and parts of laws providing for the re-enlistment of volunteers and the organization thereof into companies, squadrons, battalions, or regiments, shall be and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That such companies, squadrons, battalions, or regiments organized, or in process of organization by authority from the Secretary of War, as may be within thirty days from the passage of this act, so far completed as to have the whole number of men requisite for organization actually enrolled, not embracing in said organizations any persons now in service, shall be mustered into the service of the Confederate States as part of the land forces of the same, to be received in that arm of the service in which they are authorized to organize, and shall elect their company, battalion, and regimental officers.

SEC. 3. *Be it further enacted*, That for the enrollment of all persons comprehended within the provisions of this act, who are not already in service in the Armies of the Confederate States, it shall be lawful for the President, with the consent of the Governors of the respective States, to employ State officers, and on

failure to obtain such consent, he shall employ Confederate officers, charged with the duty of making such enrollment in accordance with rules and regulations to be prescribed by him.

SEC. 4. *Be it further enacted*, That persons enrolled under the provisions of the preceding section, shall be assigned by the Secretary of War, to the different companies now in the service, until each company is filled to its maximum number, and the persons so enrolled shall be assigned to companies from the States from which they respectively come.

SEC. 5. *Be it further enacted*, That all seamen and ordinary seamen in the land forces of the Confederate States, enrolled under the provisions of this act, may, on application of the Secretary of the Navy, be transferred from the land forces to the naval service.

SEC. 6. *Be it further enacted*, That in all cases where a State may not have in the Army a number of regiments, battalions, squadrons or companies, sufficient to absorb the number of persons subject to military service under this act, belonging to such State, then the residue or excess thereof, shall be kept as a reserve, under such regulations as may be established by the Secretary of War, and that at stated periods of not greater than three months, details, determined by lot, shall be made from said reserve, so that each company shall, as nearly as practicable, be kept full: *Provided*, That the persons held in reserve may remain at home until called into service by the President: *Provided, also*, That during their stay at home they shall not receive pay: *Provided, further*, That the persons comprehended in this act, shall not be subject to the rules and articles of war, until mustered into the actual service of the Confederate States; except that said persons, when enrolled and liable to duty, if they shall willfully refuse to obey said call, each of them shall be held to be a deserter, and punished as such, under said articles: *Provided, further*, That whenever, in the opinion of the President, the exigencies of the public service may require it, he shall be authorized to call into actual service the entire reserve, or so much as may be necessary, not previously assigned to different companies in service under provision of section 4 of this act; said reserve shall be organized under such rules as the Secretary of War may adopt: *Provided*, The company, battalion and regimental officers shall be elected by the troops composing the same: *Provided*, The troops raised in any one State shall not be combined in regimental, battalion, squadron or company organization with troops raised in any other States.

SEC. 7. *Be it further enacted*, That all soldiers now serving in the Army or mustered in the military service of the Confederate States, or enrolled in said service under the authorizations heretofore issued by the Secretary of War, and who are continued in the service by virtue of this act, who have not received the bounty of $50 allowed by existing laws, shall be entitled to receive said bounty.

SEC. 8. *Be it further enacted*, That each man who may hereafter be mustered into the service, and who shall arm himself with a musket, shotgun, rifle or carbine, accepted as an efficient weapon, shall be paid the value thereof, to be ascertained by the mustering officer under such regulations as may be prescribed by the Secretary of War, if he is willing to sell the same, and if he is not, then he shall be entitled to receive $1 a month for the use of said received and approved musket, rifle, shotgun or carbine.

SEC. 9. *Be it further enacted*, That persons not liable for duty may be received as substitutes for those who are, under such regulations as may be prescribed by the Secretary of War.

SEC. 10. *Be it further enacted*, That all vacancies shall be filled by the President from the company, battalion, squadron or regiment in which such vacancies shall occur, by promotion according to seniority, except in case of disability or other incompetency: *Provided, however*, That the President may, when in his opinion, it may be proper, fill such vacancy or vacancies by the promotion of any officer or officers, or private or privates from such company, battalion, squadron or regiment who shall have been distinguished in the service by exhibition of valor and skill; and that whenever a vacancy shall occur in the lowest grade of the commissioned officers of a company, said vacancy shall be filled by election: *Provided*, That all appointments made by the President shall be by and with the advice and consent of the Senate.

SEC. 11. *Be it further enacted*, That the provisions of the first section of this act, relating to the election of officers, shall apply to those regiments, battalions, and squadrons which are composed of twelve-months' and war companies combined in the same organization, without regard to the manner in which the officers thereof were originally appointed.

SEC. 12. *Be it further enacted*, That each company of infantry shall consist of 125, rank and file; each company of field artillery of 150, rank and file; each of cavalry, of 80, rank and file.

SEC. 13. *Be it further enacted*, That all persons, subject to enrollment, who are not now in the service, under the provisions of this act, shall be permitted, previous to such enrollment, to volunteer in companies now in the service.

Approved April 16, 1862.

II.--ENROLLMENT AND DISPOSITION OF RECRUITS.

1. An officer not below the rank of major will be detailed for each State to take charge of the enrollment, mustering in, subsistence, transportation, and disposition of the recruits raised under the above act.

2. Application will be made immediately to the Governors of the several States for permission to employ State officers for said enrollment; and in case such permission be not granted, officers of the Army will be selected by the Department to perform that duty, under such regulations as may be prescribed. Where State officers are employed the regulations of the respective States in regard to military enrollment will be observed as far as applicable.

3. The enrolled men in each State will be collected in camps of instruction by the officers in command of the recruits, the said camps to be selected with reference to health and the facilities for obtaining subsistence and transportation. The number of these camps shall not exceed two in each State, without authority from the Department; and to each will be allowed a quartermaster and a commissary.

4. The commandants of the camps of instruction in the several States will call upon the generals commanding the military departments in which their camps may be situated for competent drill officers to instruct the recruits, and will prepare them for the field as rapidly as possible. They will cause them to be promptly vaccinated, and in ordering them to the field will, as far as practicable, prefer those who have passed through the usual camp diseases. They will establish hospitals in connection with their camps, and make requisition for such medical attendance and stores as may be required.

5. The commandants of regiments, battalions, squadrons, and unattached companies in service on the 16th instant will send copies of their muster-rolls to the commandant of the proper camp of instruction in their respective States, with officers to take charge of such recruits as may be furnished to said corps. The said commandants will apportion the recruits among such corps in proportion to the deficiency of each, except when otherwise specially directed by the Department, allotting as far as practicable to each such corps the men from the regions of country in which it has been raised. They will from time to time send off such bodies of recruits as are ready for the field, and will report on the first Monday of every month to the Department the number of recruits in camp, their condition, the number sent off during the month, and the regiments and corps to which they were sent.

6. The commandants of regiments and corps will distribute the recruits among their several companies; and in such as have not the number of companies allowed by law to a regiment, the said commandants may organize the required number of new companies, after first filling up the existing companies to the minimum numbers required by law; that is to say, for each company of infantry, sixty-four privates; of cavalry, sixty privates; of artillery, seventy privates.

7. The recruits will be apportioned among the several arms of service according to their respective wants, consulting as far as practicable the preference of the men. Where a greater number offer for a particular arm than can be assigned to it, the distribution will be

determined by lot; but recruits for the cavalry will only be taken from those who furnish their own horses.

III.—Volunteers for existing corps.

8. Persons liable to military service under the above act, not in service on the 16th of April, and wishing to volunteer in any particular company in the Confederate service on the 16th day of April, may report themselves prior to their enrollment at a camp of instruction within their respective States, where they will be enrolled, prepared for the field, and sent to the said company until the same shall be filled up.

9. Recruiting officers may be detailed, with the permission of the generals commanding military departments, by the commandants of regiments and corps and sent to their respective States for the purpose of receiving for such regiments and corps, in conformity with recruiting regulations heretofore adopted (General Orders, No. 6), all volunteers desiring to join them. Such volunteers may be assembled at the camps of instruction in their respective States, prepared for the field, and sent to their respective regiments and corps until the same shall be filled up; or, if ready for the field, may be ordered directly to their corps by the officer so recruiting them.

IV.—Volunteer corps heretofore authorized.

10. Persons liable to military service under this act, and not in service on the 16th day of April, may, until the 17th day of May next, volunteer in corps heretofore authorized to be raised by the Secretary of War, or by the Executive of any State, as part of the quota thereof, in pursuance of a call made upon such State by the President. Persons authorized to raise such corps, who may not on that day have the necessary number of men enrolled and mustered into service, according to the terms of their authority, will proceed with their men to a camp of instruction in their respective States, and will deliver their muster-rolls to the commandant thereof.

11. The commandants of such corps as are completed on or before the 17th day of May, and not otherwise ordered, will report to the commandants of the recruits of their respective States, and with their corps will be placed by him in a camp of instruction, and reported immediately to the Department. Such corps will be under the command of the commandants of recruits in their respective States, and will be prepared for the field in like manner with the recruits, until removed from the camp. They will only be moved under orders from the Department, from the commanding general of the Army, or, in urgent cases, from the commanding general of the military department in which the camps may be situated; and in such cases report will immediately be made to the Department by the officer in command of the camp.

V.—Additional corps—guerrilla service.

12. Under the prohibition of this act against the organization of new corps, no further authority for that purpose can be given, except that specially provided for in the act of Congress entitled "An act to organize bands of partisan rangers." For this latter purpose applications must be made through the commanding generals of the military departments in which the said corps are to be employed.

VI.—Reorganization of twelve-months' corps.

13. All regiments, battalions, squadrons, and companies of twelve-months' volunteers will reorganize within forty days from the 16th of April, by electing all their officers which they had a right heretofore to elect, and on such days as the brigade commander may prescribe; and the said brigade commanders are hereby ordered to fix and announce the day for such reorganization as soon as practicable. No person who is to be discharged under the provisions of the act will take part in such election.

14. The form of holding and certifying the elections will be in conformity with the laws of the State from which the men, or the major part thereof, may come; and when the election of field officers is to be made by company officers the latter will be first elected. All certificates of election will be returned to the Adjutant-General's Office and the officers will be commissioned by the President. They will, however, on receiving a copy of the certificate of election immediately enter upon duty. Officers not re-elected will be relieved from duty and the brigade commander will return their names to the Department.

VII.—Corps raised for local defense.

15. Corps raised for local defense will retain their organization during the term of such enlistment unless previously disbanded, but members of such corps may volunteer into corps for general service, as herein above provided.

VIII.—Discharges.

16. When any company now in service for twelve months shall, before the 16th day of July next, attain the maximum numbers prescribed by this act, without including the men under eighteen and over thirty-five years of age, all such men may be discharged, and such of them as remain in service on the said day will, upon their application, be then discharged, whether such maximum be attained or not.

IX.—Transfers.

17. The right to change company or corps in virtue of re-enlistment ceases to exist by the repeal of all laws in regard to re-enlistment, but transfers of individuals or of companies may be made, as heretofore, within the discretion of the Department, on applications approved by commanding officers.

X.—Substitutes.

18. When any person liable to military duty under this act, but not yet mustered into service in any company, desires to furnish a substitute, he shall report himself, with the substitute, to the commandant of a camp of instruction, and if the substitute be lawfully exempt from military duty, and on examination by a surgeon or assistant surgeon be pronounced sound and in all respects fit for military service, he may be accepted and enrolled, and the person furnishing such substitute may be discharged by the commandant of the camp. But no substitute shall be entitled to transportation or other allowance at the expense of the Government until so accepted and enrolled.

XI.—EXEMPTIONS.

19. Persons claiming exemption from military duty under this act shall be required by the enrolling officer to make oath that they are lawfully exempt and shall be furnished by him with a certificate of such exemption.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, *April 28, 1862.*

His Excellency JOSEPH E. BROWN,
Governor of the State of Georgia:

DEAR SIR: I have received your letter of the 22d instant informing me of your transfer of the Georgia State troops to General Lawton, commanding Confederate forces at Savannah, suggesting that there be as little interference as possible on the part of the Confederate authorities with the present organization of those troops, and mentioning various persons and classes as proper subjects for exemption from military service under the provisions of "An act to further provide for the public defense," approved on the 16th instant. I inclose copies of the act for receiving State troops tendered as organized, and of the exemption act.* By the first, interference with the present organization of companies, squadrons, battalions, or regiments tendered by Governors of States is specially disclaimed. By the other, exemptions are made which explain (satisfactorily I trust) the policy of Congress with regard to the persons and interests you specify. The constitutionality of the act you refer to as the "conscription bill" is clearly not derivable from the power to call out the militia, but from that to raise armies. With regard to the mode of officering the troops now called into the service of the Confederacy, the intention of Congress is to me, as to you, to be learned from its acts, and from the terms employed it would seem that the policy of election by the troops themselves is adopted by Congress.

With great regard, very respectfully, your obedient servant,
JEFFERSON DAVIS.

GENERAL ORDERS, No. 31.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 29, 1862.

I. Military commanders are hereby prohibited from interfering with the transportation of provisions on railroads, except when the exigencies of the service require the exclusive use of the cars for the transportation of troops, arms, and munitions of war.

II. All agents on railroads between Richmond, Va., and Jackson, Miss., will receive and forward promptly at least two trains weekly of flour and breadstuffs to Jackson, Miss., marked "For the Committee of Public Safety, New Orleans," and in return shipments of sugar and molasses made by the committee to Richmond or any other place on the route, at the expense of parties making such shipments.

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*See p. 1081 for both acts.

But this order is not to interfere with the transportation of troops or munitions of war, which in all cases will have preference, as above indicated.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

OFFICE COMMISSARY-GENERAL C. S. ARMY,
Richmond, April 29, 1862.

Hon. GEORGE W. RANDOLPH,
Secretary of War:

SIR: The stock of flour in the hands of depot commissaries here is being rapidly reduced by demands from different points in the South, where this article is scarce and relatively much dearer than in this market. Further purchases can now be made here, payable only in Treasury notes, and should be made at once, I think. The fall of New Orleans puts a stop to further supplies of sugar and molasses. If the enemy shall control the entire navigation of the Mississippi River we shall be excluded from further receipts of beef from Texas, in which State large numbers of cattle have been and were being brought at latest dates under orders from this department. The same cause will also prevent our getting a large number of cattle which have been collected in the State of Louisiana. Unless my requisitions can be filled promptly and to an adequate amount in current funds, not bonds (which latter are at a heavy discount), it will be almost if not absolutely impossible for this department to feed the armies of the Confederacy. The foregoing is submitted as being worthy of your earliest attention.

I have the honor to be, very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General of Subsistence.

TUSCALOOSA, *April 29, 1862.*

Mr. G. W. RANDOLPH,
Secretary of War:

DEAR SIR: I take the liberty of saying a word to you in regard to the burning of cotton and tobacco as ordered by Congress. Has not the time fully come when the torch should be applied to the cotton and tobacco? New Orleans has fallen an easy prey to the Yankees, cutting in two the Confederacy, abandoning Missouri at least to Lincoln, and cutting ourselves off from Texas, the only place where meat can be supplied to our Army. The Mississippi River is now in their power and will be opened to Pittsburg, and the scarcity in New Orleans, amounting to almost destitution, will compel them to open trade with the provision States. The Yankees will soon overrun the cotton States and destroy our crops, which will starve the people and Army and bring about submission to Lincoln, unless some great victories are soon won by us, and we can see no prospect of that, or even marauding parties of a few thousand driven off of our best producing sections in North Alabama, where fine wheat crops planted for our armies will be harvested and given to our invaders. The wheat crop south of the valley of the Tennessee River is poor; the Army cannot receive any

support from that crop down South. The fall of New Orleans has produced fear and alarm amongst the people for the success of the cause for which we are fighting, and you will very soon see a proclamation from Lincoln to the Southern planters, making it a penal offense for any one to burn cotton or tobacco, and I am sure it would greatly alarm the people, and I am very sure they will not burn a bale of cotton, even on the Mississippi River, if they can avoid it, though they know Lincoln will get every bale. They will haul it a few miles off the river, and be made by the Lincoln army to haul it back. Now, sir, it appears to me a provost-marshal in every county in the cotton and tobacco States should be appointed, with instructions to burn every bale, reserving just enough to clothe each family, allowing one-half pound to the yard, needed for one year, and the Confederacy take charge of enough for the different factories. Let the tower be pulled down at once and be felt by Europe as well as America, for the South is essential to the civilized world, and the powers of Europe could have prevented the war by timely interference. Now let them suffer while we are a ruined people. Why not carry the war into Kentucky, or even their own territory, if we can. Let them overrun the South, as they will anyhow, shall we not more likely turn them from the South by sending our armies north? Our struggle must be one of endurance anyhow.

Now as to gun-boats, and I have done. Why, at this late period, when Lincoln has covered the seas with iron-clad boats and ships, and is ready to enter our harbors and destroy our cities, as at New Orleans, begin to build iron-clad gun-boats? What have we done but to get them in an advanced state, and then turn them over to the Lincoln Army to be turned against us. We have all the time, by retreating and falling back, furnished his Army with guns and provisions, and we are now doing the same by furnishing them gun-boats. Whenever a people expect to prepare themselves for defense in time of war by the women raising money to carry on the war, by giving up their luxuries, by selling suppers, and getting up raffles, it argues two things—zeal in the people and weakness in the Government. Lincoln has shown more wisdom in his extravagance than our Government in her economy. We are too slow, and are too contented we shall ultimately get our independence to accomplish anything but losses and disgrace. Now, the gun-boats we are building at Charleston will fall into Lincoln's hands, when a large amount of money has been spent on them, including the women's patriotic subscription. Give up such silly notions and move from that city everything valuable, as it will be in Lincoln's hands in thirty days; and so of Savannah. Let our gun-boats be built under the shadow of the Merrimac and in haste, or Norfolk must be taken, I fear. Excuse this long letter, as I feel very intensely the suffering condition of our country and can see no light before us.

Very respectfully,

A. BATTLE.

RICHMOND, VA., *April 29, 1862.*

General GEORGE W. RANDOLPH,

Secretary of War:

SIR: I have the honor to call your attention to General Orders, No. 8, of February 26, 1862, directing the formation of the Maryland Line. Repeated applications for transfers have been made, but as yet with very little success. In some cases the officers have refused

to forward applications for transfer. I would therefore respectfully request that such orders and instructions be given as to insure the speedy formation of the Maryland Line, designating by whom the transfers can be made and the place where all can assemble; and I would further ask that it be made imperative upon officers to forward any applications from the men. I feel confident that within a few weeks all can be assembled and ready to take the field. The First Maryland Regiment, being the largest body of Marylanders, could serve as the nucleus, and all the rest be ordered to report there immediately. At this time, in accordance with the conscription act, there is a general reorganization of the Army, regiments from other States receiving their recruits, being rapidly filled up, and electing their company and field officers. The Marylanders, as you no doubt are aware, are scattered in different regiments, almost all of them being twelve-months' men and having already served nearly a year. They are, almost to a man, anxious to serve the Confederate States. All they ask is to be with men from their own State. Some whose term of service of twelve months has expired have been told by their officers that the conscription act will compel them to remain where they now are. From all I can learn the Maryland men are greatly disheartened at not being able to procure transfers and at the obstacles thrown in their way. They consider the law plain enough, and wonder why it is not carried out. They, like men of other States, naturally wish to get together, to be with their relatives, friends, and neighbors. As Maryland is not represented in Congress nor an acknowledged State of the Confederacy, one great object which will be attained in forming the Maryland Line will be its representing the State. It will serve as a rallying point for all Marylanders, and will be constantly increased by men coming over from Maryland. It will serve also to keep up the spirits of our friends in Maryland by letting them know the State is represented by an organized and constantly increasing military body in the Confederacy. It being understood that citizens from Maryland are not subject to the operation of the conscription laws, and therefore not liable to compulsory service (though no one doubts the determination and the readiness of every refugee from that State to sustain with all his might the Southern cause), it is worthy of consideration how much it is due to persons thus situated to observe and carry out a regulation of the Confederate Congress intended for their gratification, and which observance cannot fail to be influential in confirming their loyalty and enthusiasm in the present crisis. It having been assigned to me individually to carry out the objects contemplated in the order above referred to, I feel it is my imperative duty to omit no proper exertion to accomplish the contemplated object, and I do not doubt you will feel that I cannot do otherwise than present this subject as I have to your attention.

I am, sir, very respectfully, your most obedient servant,

GEORGE H. STEUART,
Brigadier-General.

[Indorsement.]

ADJUTANT-GENERAL:

Issue general order requiring all native-born Marylanders in volunteer regiments to be sent to Richmond to such officers as General Steuart may designate. If the times of the men are out they are entitled to their discharges, not being embraced by conscription act.

G. W. RANDOLPH.

RICHMOND, *April 29, 1862.*

Col. JOHN S. PRESTON,
Columbia:

You are assigned to take charge of the enrollment, &c., of the troops of South Carolina under the conscription act and regulations relative thereto.

S. COOPER,
Adjutant and Inspector General.

GENERAL ORDERS, No. 32.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 30, 1862.

The following act of Congress and regulation having been approved by the President are published for the information of all concerned.*

I. All white men, residents of the Confederate States, between the ages of eighteen and thirty-five years, not specially exempted by the above act, are to be enrolled for military service.

II. The regulations already in force for ascertaining physical ability or disability for military service are continued.

III. Certificates of exemption under this act will be granted by enrolling officers, or by captains of companies, and commandants of camps, by whom a substitute may have been received, to the person furnishing such substitute, in conformity with regulations already published.

IV. In accordance with the General Regulations, page 284, one wagon with each regiment in the field will be appropriated for the transportation of hospital supplies. This wagon, with the ambulances, will be reserved for the especial use of the hospital department, and regimental commanders and others are prohibited from using them for other purposes.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, VA., *April 30, 1862.*

His Excellency Governor BROWN,
Milledgeville:

Fearing that my telegraph to you on the 23d instant about the State troops may not have reached you, I repeat it. The State troops will be received if tendered by you under an organization conforming to the act of March 6, 1861. I presume that their present organization conforms to that act. If so, I will accept them upon being notified of your wishes. When in the Confederate service they will be in all respects on the footing of the other troops, and may be filled up with conscripts. All over thirty-five will be discharged in ninety days.

G. W. RANDOLPH,
Secretary of War.

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*See an act to exempt certain persons from enrollment for service in the armies of the Confederate States, approved April 21, 1862, p. 1081.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., April 30, 1862.

His Excellency Governor H. T. CLARK,
Raleigh, N. C.:

SIR: Your letter of the 24th instant was received on yesterday. In reply I have the honor to say that the effect of the conscription act is to supersede calls on the States for quotas. The number of men between the ages of eighteen and thirty-five is assumed to be precisely in the ratio of population. The first effect of the act is to retain in the service all soldiers who were there on April 16, the next to fill up the regiments and companies with men liable to military duty under the act by replacing those now in service who will be exempt from age with those not now in service not so exempt, and thus to fill up and keep full the existing corps to the maximum allowed by law. If any States have not enough regiments already in the service, or heretofore authorized by this Department to be raised, to absorb the material between the ages of eighteen and thirty-five, the excess will be collected in camps of instruction, disciplined, and brought into service pursuant to section 9 of the act.

I will accept the State troops in their present organization, to be received upon the same footing with other regiments already in the Confederate service, the men over thirty-five and under eighteen to be discharged within ninety days from April 16, and their places supplied from the enrolled conscripts. The right of reorganization by election belongs only to twelve-months' men; those whose enlistment is for a longer or shorter period remain in the service in their existing organizations. These general remarks are supposed to answer several of your specific inquiries. First. The enrollment of conscripts will be made as soon as the requisite regulations can be prepared, in order to relieve the men now in service who are over thirty-five years of age. Second. The State troops will be relieved as stated above. Third. Men over thirty-five years of age now in service will be discharged within ninety days. They or others not now in service will be at liberty to serve by voluntary enlistment, but not in lieu of conscripts, except as substitutes. Fourth. Volunteering is not stopped by the conscript bill. By section 13 persons liable as conscripts may volunteer in any company now in service. You are referred especially to regulations 8 to 11, inclusive. The act approved December 11, 1861, providing for the payment of bounty to volunteers for the war, continues in force. Fifth. Militia officers between eighteen and thirty-five are embraced by the conscription act. The quota of each State, under existing laws, will be all liable to military duty under the act of April 16. I inclose a copy of the act and regulations established for carrying it into effect.*

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

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*Embodied in General Orders, No. 30, p. 1094.

DEPARTMENT OF THE MILITARY,
Columbia, S. C., April 30, 1862.

Hon. G. W. RANDOLPH,
Secretary of War, Richmond, Va.:

SIR: I have the honor to inclose for your consideration an official copy of a resolution passed by the Governor and Council of this State. I send with it, as the basis of the action, a communication from General Jones, chairman of the Board of Visitors of the State Military Academy. These papers sufficiently explain the object and reason of this letter, and I will add a very few observations: The students of the academy are always ready, being well officered, organized, armed, and equipped. We have always held them as a most efficient reserve, and if occasion should require they will be far more effective organized as they are than they could be if thrown out separately and absorbed in the various corps of the Army. I earnestly hope that it may be consistent with your views of policy to issue very soon an order giving effect to the request of the Governor and Council in this particular.

There is another subject to which I beg leave to call your attention, and it is certainly not of less importance than the other. The act which provides for exemptions from service under tne late conscription law of Congress does not embrace one of the most important classes of our people. The masters or owners of negroes in this State are, for the most part, now in the Army. Before going they had provided themselves with proper overseers for the management of their slaves and for the production of their material supplies, without which not only our people but our armies must perish. If the overseers should now be taken, the agricultural industry of this State must be immeasurably damaged and diminished. Substitutes for them, when they are within the conscriptive age, cannot be obtained. The men are not to be had, for they are not in the country, but in the Army or the workshops or manufactories. In view of all this, permit me, therefore, to make the following suggestions: An order stating that in any case where an overseer or manager of slaves between the ages of eighteen and thirty-five has been exempt from the military service by the law of the State in which he resides, he shall be, and is hereby, assigned to the duty in which he is now engaged, without pay from the Confederate Government, until further orders. This will accomplish the object and leave him still under your control.

With an apology for obtruding so much upon you, I have the honor to be, with great respect, your obedient servant,

JAMES CHESNUT, JR.,
Chief, &c.

[Inclosure No. 1.]

COUNCIL CHAMBER,
Columbia, April 30, 1862.

Resolved, That the chief of the department of the military be authorized to correspond with the Confederate Government at Richmond, requesting them to assign the officers and students of the State Military Academy who may be over the age of eighteen years to the duties in which they are now engaged, without pay, subject to be called into active service when occasion may require.

Official copy.

B. F. ARTHUR,
Clerk of Council.

[Inclosure No. 2.]

COLUMBIA, *April 30, 1862.*

His Excellency the GOVERNOR and
EXECUTIVE COUNCIL OF SOUTH CAROLINA:

The undersigned, as chairman of the Board of Visitors of the State Military Academy, respectfully asks leave to call the attention of Your Excellency and Council to the effect of the conscription act of the Confederate Congress on the State Military Academy. A large portion of the cadets of that institution now pursuing their military and literary studies and preparing themselves for a higher usefulness in military operations are over the age of eighteen years and subject to conscription under the Confederate act above referred to. If these young men are not assured of being relieved from the operation of the conscription act they will not wait to be called into the Confederate service, but will immediately leave the academy to select such corps as they may prefer to serve in. In that case the number left under the conscription age will be so few that the disbanding and breaking up of the institution will be a necessity. I respectfully beg Your Excellency and Council to take such measures to avert the calamity involved in the destruction of that noble institution as to you may seem meet.

I have the honor to be, very respectfully, your obedient servant,

JAMES JONES,
Chairman of Board of Visitors.

ENGINEER BUREAU, *April 30, 1862.*

Capt. E. T. D. MYERS,
Provisional Engineer Corps, C. S. Army:

SIR: By the decision of the Secretary of War you are directed to proceed with the location of the Danville railroad extension, selecting that route between Danville and Greensborough which may appear to you best adapted to the economical construction and working of the road, considered as a connecting link between the Virginia and the Southern roads.

Very respectfully, yours,

A. L. RIVES,
Acting Chief Engineer Bureau.

COLUMBIA, S. C., *April 30, 1862.*

General S. COOPER,
Adjutant and Inspector General C. S. Army, Richmond, Va.:

GENERAL: I have the honor to acknowledge the receipt by telegraph of your order assigning me to the charge of enrolling, &c., the troops of South Carolina under the conscription act. However at variance with my tastes and desires, at this stage of our national conflict I obey the order cheerfully, and will execute it to the best of my ability. I beg respectfully to suggest that one rendezvous or camp of instruction will be sufficient for this State, and to ask that I be permitted to select the locality, subject to the approval of the Department; and, further, that I be specially charged, as military commandant of the post and camp, with the organizations required by the law and regulations, subject, of course, to the orders of the general commanding

the department. Unless my authority for enrollment, organization, subsistence, and movement is as full as the law allows, the service may be impeded by a want of concurrent action between the Confederate and State authorities. My purpose will be sedulously to harmonize this action, but the State having a very large quota in the field may be somewhat reluctant to suffer a further drain. With the entire matter placed in my hands, under the general commanding, I feel confident of energetic and harmonious action on the part of the State authorities.

I have the honor to be, very respectfully, your obedient servant,

JNO. S. PRESTON,
Lieutenant-Colonel and Assistant Adjutant-General, C. S. Army.

[First indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
May 3, 1862.

Respectfully referred to the Secretary of War.

R. H. CHILTON,
Assistant Adjutant-General.

[Second indorsement.]

ADJUTANT-GENERAL:

Send Colonel Preston the instructions prepared for commandants of camps of instruction.

[G. W. RANDOLPH.]

C. S. NITER BUREAU,
Richmond, May 1, 1862.

From this date until further notice 75 cents per pound will be paid for niter by agents of the Government. Deduction will be made for impurities exceeding 10 per cent. For lead and sulphur special instructions as to price will be given.

I. M. ST. JOHN,
Major and Superintendent.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., May 1, 1862.

JACOB W. PAYNE, Esq.,
New Orleans, La.:

SIR: The Congress of the Confederate States has appropriated the sum of $1,500,000 to aid the completion of the New Orleans and Texas and Texas and New Orleans Railroads. This money the Government proposes to advance as it may become necessary, taking a mortgage on the works and property of the roads for the return of the money and personal security for its faithful application. For this purpose we need an agent to advise us of the sufficiency of the sureties and the condition and progress of the work, and we request that you will act for us in that capacity. You may employ an engineer whenever you may need professional advice; and, if you accept the position, we beg that you will keep the Government advised through this Department of all matters necessary to be known in regard to the condition and progress of the work. I inclose herewith

a copy of the act of appropriation* and of a letter of A. M. Gentry, esq., president of the road.

Respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, May 1, 1862.

Honorable SECRETARY OF WAR,
CONFEDERATE STATES OF AMERICA:

SIR: The Texas and New Orleans Railroad (in Texas) extends from Houston to the Sabine River, a distance of 106 miles. The rails are laid the whole distance, but a portion were laid temporarily for military transportation and needs finishing, and the building and the completion of some bridges now under way; also, the connecting this company's track in Houston with the rails of the four other roads terminating at that point, as described by General P. O. Hébert. To accomplish this it will require, under the estimates, $250,000 in bonds. The company will secure the repayment of this sum by issuing and executing to the Confederate States Government at once its income mortgage bonds for same amount, pledging 10 per cent. of its gross earnings as a sinking fund to liquidate the whole.

The New Orleans and Texas Railroad extends from the Sabine River to New Iberia, on Bayou Teche, La., is 117 miles in length, and all in the State of Louisiana. Under the appropriation and estimates $1,250,000 in bonds will be required. To secure this sum to the Government the company will execute a first mortgage on its road, road bed, equipment, furniture, and all its property necessary for and incident to the maintenance of its road and the transaction of its business. This road is entirely free from any incumbrance, and the mortgage and security can be executed in such manner as may be required or deemed best by the Department or such agent as they may select for the purpose. I would beg leave to suggest that the Department appoint a special agent or attorney in Texas or Louisiana, or both, who may be on the spot and attend to executing and receiving the security on behalf of the Government. This could be done at once, and enable the companies to progress at once with their work. The disbursement in Louisiana could be made by a special agent and upon the estimates made by the engineers and president of the company, and verified by the agent of the Government for work done or material furnished in construction. This would simplify the business and facilitate the construction of the work. As an agent to obtain the mortgage, &c., in Louisiana, I would suggest the name of Mr. L. Dupré, M. C., from the district in Louisiana where the road is located; in Texas, either Hon. Horace Cone, of Houston, or F. H. Merriman, esq., of Galveston.

With the hope that you will find it convenient to dispatch my business at once,

I am, very respectfully, your obedient servant,

A. M. GENTRY,
President New Orleans and Texas and Texas and New Orleans Railroad Companies.

*See April 19, p. 1073.

[MAY 1, 1862.—For Brown to Davis, in relation to the defense of the State of Georgia from threatened invasion from the north, see Series I, Vol. X, Part II, p. 480.]

RICHMOND, *May 1, 1862.*

Governor J. J. PETTUS, of Mississippi,
Jackson, Miss.:

Persons engaged in foundries and necessary railroad employés are exempt by law. The Secretary of War is clothed with authority to exempt operatives in woolen and cotton factories. The terms do not embrace tanneries and gun-shops, but they are so clearly in the spirit of the law that I authorize you to exempt them from conscription until the pleasure of Congress can be known. You will also exempt the necessary operatives in cotton and woolen factories until you can make application and receive the orders of the War Department. Overseers we must take from the classes not subject to enrollment, as there is no power to exempt them.

JEFFERSON DAVIS.

[MAY 1, 1862.—For Pettus to Beauregard, in relation to organizing mounted companies to keep down disorder among the slaves in Mississippi, see Series I, Vol. LII, Part II, p. 309.]

[MAY 2, 1862.—For Davis to Brown, in relation to measures for the defense of the State of Georgia, see Series I, Vol. X, Part II, p. 481.]

GENERAL ORDERS, No. 34.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, Va., May 3, 1862.

I. The following act of Congress and accompanying regulations are published for the information of all concerned:

AN ACT to organize battalions of sharpshooters.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the Secretary of War may cause to be organized a battalion of sharpshooters for each brigade, consisting of not less than three nor more than six companies, to be composed of men selected from the brigade or otherwise, and armed with long-range muskets or rifles, said companies to be organized, and the commissioned officers therefor appointed by the President, by and with the advice, and consent of the Senate. Such battalions shall constitute parts of the brigades to which they belong, and shall have such field and staff officers as are authorized by law for similar battalions, to be appointed by the President, by and with the advice and consent of the Senate.

SEC. 2. *Be it further enacted*, That for the purpose of arming the said battalions, the long-range muskets and rifles in the hands of the troops, may be taken for that purpose: *Provided*, The Government has not at its command a sufficient number of approved long-range rifles or muskets wherewith to arm said corps.

Approved April 21, 1862.

II. Generals commanding military departments may cause to be organized within their commands battalions of sharpshooters, as provided in this act, in such numbers as they may deem necessary, not

exceeding one such battalion for each brigade, and will report to the Department the organization of such corps, recommending for appointment the commissioned officers allowed by law.

III. In organizing such battalions generals commanding may cause such details or transfers to be made as will not reduce any company or corps below the minimum number required by law, taking the men for each such battalion so far as possible from the particular brigade of which it is to form a part.

IV. Requisitions will be made upon the Ordnance Department for the arms for such battalions, and until the said requisitions can be filled the generals commanding may cause such exchanges and transfers of long-range muskets and rifles to be made as may be necessary to arm the said battalions, returning surplus arms when such requisitions are filled to the Ordnance Department.

V. (Supplementary to General Orders, No. 30, section VI.) The commissions of the staff officers of reorganized regiments and battalions of twelve-months' volunteers are not affected by such reorganization, except that of the adjutant, whose commission expires with that of the commanding officer, if the said officer be not re-elected.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., May 5, 1862.

Hon. E. S. DARGAN,
Mobile, Ala.:

SIR: Your letter of the 23d ultimo, recommending that authority be granted to G. H. Cleveland to raise a battalion or regiment of creoles, has been received. In reply I have the honor to inform you that the law does not permit the Department to accept any new corps.

Very respectfully, your obedient servant,

A. T. BLEDSOE,
Assistant Secretary of War.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., May 5, 1862.

Hon. G. W. RANDOLPH,
Secretary of War:

DEAR SIR: I received your telegram at Atlanta, on my return from Chattanooga to this place, informing me that you were authorized by a late act of Congress to accept the State troops, if tendered by companies, squadrons, battalions, and regiments, as provided by act of March 6, 1861. I replied, advising you that I had, under the correspondence between us, transferred the State troops on the 16th of April last to the Confederate general in command, who accepted them, of which I informed you. These facts having all been laid before you at the time of the transfer, I can see but a single object which you can have in now offering to accept the regiments, &c., if tendered, and that is, as I construe your dispatch, that you are willing to place these regiments thus transferred upon the same footing of other regiments,

battalions, &c., in Confederate service. This would be a simple act of justice, and, if I put the proper construction on your telegram, I am much gratified at the conclusion at which you have arrived. As I stated in my reply, I am informed that General Lawton has disbanded most of the troops and sent them home. It is said, however, that those who fall within the age of conscripts are to return after a short furlough. On their return they can, if you so direct, be placed under the company and field officers who commanded in their respective regiments while in State service, and the places of those not conscripts, who do not return, filled by recruits who either volunteer to join the regiments or are sent to the regiments by your order. This would maintain the regimental organization of the troops and to that extent do justice by placing them, as they have a right to be, upon terms of equality with Confederate regiments. These troops were organized under the statutes of this State, and some of the companies did not have the numbers specified by the act of Congress of March, 1861, but this defect could be easily obviated by ordering in a sufficient number of recruits, who are at your command, to fill the companies to the number now required by law. I deeply regret that the late act of Congress (a copy of which has been sent me by the President) did not provide for the reception of the troops by divisions and brigades as organized by the State. The generals in command of the State troops at the time of the transfer are officers of very great merit, who have labored hard to bring their respective commands to a high state of proficiency. The State cannot, without great inconvenience, afford to lose the services of such generals as Jackson, Walker, Harrison, and Capers at a time of so great public peril. I must therefore renew and urge my request that General Jackson be appointed by the President to the command of the division to be reformed out of the State troops and the recruits necessary to fill up the regiments, which I am willing to arm with the State's guns, if the rights of the State are respected in the organization. I have further to request and urge that each of the brigadier-generals, to wit, Harrison, Capers, and Walker, be reappointed by the President to the command of their respective brigades.

If these gentlemen sustain a character for gallantry and ability as officers equal to others who may be assigned to the command (and I feel quite sure that no one who knows them will question it), the fact that they were appointed to the respective positions lately occupied by them by the highest authority in the State, and that the troops lately commanded by them may be armed by the State in the event of their appointments, certainly presents a case where it would be proper that the wishes of the constituted authorities of the State should be respected. I express but the opinion of half a million Georgians when I say that these generals will compare most favorably with many now in Confederate service, occupying the rank held by them, respectively, while in State service. I am aware that it has been objected that the appointment of General Jackson, as a major-general, to the command of his old division would cause him to rank General Lawton, who now commands this military district. This is not the necessary result, as the President has power to assign General Lawton to his old command, while General Jackson has the command of his old division. There is precedent for this in the action of the President when he assigned General Loring to the command in Northwestern Virginia, where General Jackson was his senior officer and ranked him, and still General Jackson was assigned to a command

of one wing of the army, acting separately but under the general direction of General Loring, his junior officer. As the President has the power thus to regulate the relative commands without regard to rank, this could be no obstacle in the way of the act of justice which I claim for the gentlemen above mentioned. You will greatly oblige me by communicating your decision in reference to the maintenance of the integrity of the State regiments, and the decision of the President in regard to the appointment of the generals, at the earliest day possible, as the troops will soon return to the field, and it is important that your pleasure be known at an early day.

With great regard, I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, May 5, 1862.

Brig. Gen. P. O. HÉBERT,
Houston, Tex.:
(Care A. M. Gentry, Esq.)

SIR: You will, at the request of Mr. A. M. Gentry, president of the New Orleans and Texas and Texás and New Orleans Railroads, appoint a commission for the assessment of property necessary to be taken for the construction of that road to its terminus, and you are requested to give him all needful and proper facilities for the collection of material and for the completion of the work.

G. W. RANDOLPH,
Secretary of War.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., May 6, 1862.

Hon. G. W. RANDOLPH,
Secretary of War:

DEAR SIR: I have seen your telegraph to Colonel Barkuloo that the Georgia State troops (of which his regiment composed part) will be accepted by you if tendered by me. I beg to refer you to our former correspondence and my letter to you of yesterday. If another tender of that which has already been tendered and accepted is necessary, as a matter of form to secure their rights to the officers and soldiers of the late State regiments, I hereby retender all the State regiments, and ask that they be continued in Confederate service and placed upon terms of perfect equality with regiments which originally entered the Confederate service.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, May 6, 1862.

His Excellency JOHN LETCHER,
Governor of Virginia:

SIR: By virtue of the conscription act all persons under eighteen and over thirty-five years of age in the Confederate service are entitled to their discharge unless they have volunteered for the war. I would suggest, therefore, that it would be well to discharge at once

all the militiamen over thirty-five who have been assembled to be transferred to the Virginia regiments. If they remain we shall have the burden of feeding and generally of nursing them, and shall receive no benefit from their services, for they will be entitled to their discharge so soon as they are mustered into the C. S. service.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

EXECUTIVE DEPARTMENT,
Richmond, Va., May 6, 1862.

Hon. GEORGE W. RANDOLPH,
Secretary of War:

SIR: I have had the honor to receive the letter of R. G. H. Kean, Chief of the Bureau of War, of the 3d instant, inclosing General Orders, No. 30. In reply I inclose a copy of our enrollment act, passed February 8, 1862, and state that I have no objection to the use of our enrolling officers by the Secretary of War for the purposes specified in the fourth paragraph of the orders.

Respectfully,

JOHN LETCHER.

[Inclosure.]

AN ACT for ascertaining and enrolling the military force of the Commonwealth.

Be it enacted by the General Assembly, That immediately after the passage of this act the Governor shall procure from the commandants of the several regiments, battalions, and detachments of the Virginia Volunteers complete rolls of the several companies now in service, to be returned forthwith to the adjutant-general of the State, designating the name, age, and residence of each volunteer, the time of his enlistment, and when his term of service will expire, and the company and regiment to which he belongs.

2. It shall be the duty of the Governor to cause all the male citizens of the Commonwealth between the ages of eighteen and forty-five not now in the active volunteer service to be enrolled as soon as may be after the passage of this act, designating all exempts, and the cause of such exemption, including all refugees from districts in possession of the enemy, and designating such of them as have been in service, and the term of such service; and in all the tide-water counties the enrollment shall also specify all sailors and watermen; and he is hereby authorized to prescribe such regulations, in addition to or in lieu of those now established by law, as will enable him promptly and efficiently to perform the duty hereby imposed upon him; and to that end he may require the services of the commissioners of the revenue and sheriffs or sergeants of the several counties, cities, and towns, or such other officers as to him shall seem expedient and necessary. In making such enrollment it shall be the duty of the Governor to ascertain and state the time, if any, for which any of the militia shall have been in the service of the Confederate States, or of the State of Virginia, during the existing war.

3. If any person liable to military duty shall fail to have his name enrolled by the officer appointed for that purpose for ten days after the notice or proclamation requiring such enrollment shall have been posted or published at two or more public places in his ward or magisterial district, he shall, unless there be sufficient excuse for such

failure, be enrolled or drafted among the first levies to be drawn from such county or corporation.

4. If any officer shall fail to perform any duty required of him by the Governor under this act he shall be subject to a fine of not less than $20 nor more than $200.

5. The officers enrolling the militia under this act shall be entitled to a compensation, to be fixed by the Governor, not exceeding 10 cents for each person enrolled; and the claims for such compensation shall be paid on the certificate of the Governor.

6. This act shall be in force from its passage.

Passed February 8, 1862.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, May 6, 1862.

Messrs. JOHN FRASER & Co.,
Charleston, S. C.:

GENTLEMEN: We are desirous of placing $1,000,000 to the credit of Capt. Caleb Huse, our agent, to purchase arms in Europe. He is, as you know, generally in London, and could avail himself of a letter of credit on your house in Liverpool. Can you furnish us such a letter to the extent above indicated, or assist us in the matter in any other way?

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

SPECIAL ORDERS, No. 105. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, May 7, 1862.

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X. Camp Lee, Richmond, is constituted a camp of instruction, agreebly to regulations published in General Orders, No. 30.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

C. S. NITER BUREAU,
Richmond, May 7, 1862.

Lieut. Col. J. GORGAS,
Chief of Ordnance:

SIR: One of the most important questions which ever comes up for the consideration of the Niter Bureau is the propriety of taking possession of caves containing nitrous earth, and having these caves worked either by energetic private parties who have contracts to furnish niter to the Government, or else having them worked on Government account, and when the Bureau was organized Major St. John was completely under the impression that the responsibility of deciding properly such questions would rest upon himself or some officer responsible to him, and has given instructions to the officers of the corps in accordance with this impression. A case, however, occurred on yesterday, and I decided that it was proper to take possession of a cave

in Giles County, and wrote to the officer in command of our troops near the cave and requested him to do so, and in order to make the paper official I requested the Secretary of War to approve it. He, however, referred the matter to General Heth to "see that the cave be worked to the best advantage." Now, it appears to me that this deprives us of the greater part of our efficiency as an organization, for it is the duty of the agents of the Bureau to be properly informed from personal inspection of the pros and cons of every case, and being thus informed and responsible for results it would seem that they are the most suitable persons to decide the question of impressment, and I would most respectfully request that application be made to the Secretary of War to issue an order directing the military authorities to impress caves upon application of the officer in charge of the operations of the Niter Bureau in each State. This seems to me to be very necessary to the proper efficiency of the corps.

Most respectfully, yours,

RICHARD MORTON,
Captain, &c.

[First indorsement.]

MAY 9, 1862.

The views of Captain Morton seem to me just, and I request that instructions be given to military commanders to act upon the requisitions of officers of the Niter Bureau in charge of district.

J. GORGAS,
Lieutenant-Colonel.

[Second indorsement.]

ADJUTANT-GENERAL:

Make the order suggested below.

G. W. R.

EXECUTIVE DEPARTMENT,
Milledgeville, May 8, 1862.

His Excellency JEFFERSON DAVIS:

DEAR SIR: I have the honor to acknowledge the receipt of your favor of the 28th ultimo in reply to my letter to you upon the subject of the conscription act. I should not trouble you with a reply were it not that principles are involved of the most vital character upon the maintenance of which, in my opinion, depend not only the rights and the sovereignty of the States, but the very existence of State government. While I am always happy as an individual to render you any assistance in my power in the discharge of the laborious and responsible duties assigned you, and while I am satisfied you will bear testimony that I have never, as the Executive of this State, failed in a single instance to furnish all the men and more than you have called for, and to assist you with all the other means at my command, I cannot consent to commit the State to a policy which is in my judgment subversive of her sovereignty and at war with all the principles for the support of which Georgia entered into this revolution. It may be said that it is no time to discuss constitutional questions in the midst of revolution, and that State rights and State sovereignty must yield for a time to the higher law of necessity. If this is a safe principle of action it cannot certainly apply till the necessity is shown to exist, and I apprehend it would be a dangerous

policy to adopt were we to admit that those who are to exercise the power of setting aside the Constitution are to be the judges of the necessity for so doing. But did the necessity exist in this case? The conscription act cannot aid the Government in increasing its supply of arms or provisions, but can only enable it to call a larger number of men into the field. The difficulty has never been to get men. The States have already furnished the Government more than it can arm, and have from their own means armed and equipped very large numbers for it. Georgia has not only furnished more than you have asked, and armed and equipped from her own treasury a large proportion of those she has sent to the field, but she stood ready to furnish promptly her quota, organized as the Constitution provides, of any additional number called for by the President. I beg leave again to invite your attention to the constitutional question involved. You say in your letter that the constitutionality of the act is clearly not derivable from the power to call out the militia, but from that to raise armies. Let us examine this for a moment. The eighth section of the first article of the Constitution defines the powers of Congress. The twelfth paragraph of that section declares that Congress "shall have power to raise and support armies." Paragraph 15 gives Congress power to provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions. Paragraph 16 gives Congress power to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

These grants of power all relate to the same subject-matter, and are all contained in the same section of the Constitution, and by a well-known rule of construction must be taken as a whole and construed together. It would seem quite clear that by the grant of power to Congress to raise and support armies, without qualification, the framers of the Constitution intended the regular armies of the Confederacy, and not armies composed of the whole militia of all the States. If all the power given in the three paragraphs above quoted is in fact embraced in the first, in the general words to raise armies, then the other two paragraphs are mere surplusage, and the framers of the Constitution were guilty of the folly of incorporating into the instrument unmeaning phrases. When the States, by the sixteenth paragraph, expressly and carefully reserved to themselves the right to appoint the officers of the militia, when employed in the service of the Confederate States, it was certainly never contemplated that Congress had power, should it become necessary to call the whole militia of the States into the service of the Confederacy, to direct that the President should appoint—commission—all the officers of the militia thus called into service, under the general language contained in the previous grant of power to raise armies. If this can be done the very object of the States in reserving the power of appointing the officers is defeated, and that portion of the Constitution is not only a nullity, but the whole military power of the States and the entire control of the militia, with the appointment of the officers, are vested in the Confederate Government, whenever it chooses to call its own action "raising an army," and not "calling forth the militia." Is it fair to conclude that the States intended that these reserved powers should be defeated in a matter so

vital to constitutional liberty by a mere change in the use of terms to designate the act? Congress shall have power to raise armies. How shall it be done? The answer is clear. In conformity to the provisions of the Constitution, which expressly provides that when the militia of the States are called forth to repel invasion, and employed in the service of the Confederate States, which is now the case, the States shall appoint the officers. If this is done the army is raised as directed by the Constitution, and the reserved rights of the States are respected; but if the officers of the militia, when called forth, are appointed by the President, the army composed of the militia is not raised as directed by the Constitution, and the reserved rights of the States are disregarded. The fathers of the Republic, in 1787, showed the utmost solicitude on this very point. In the discussion in the convention on the adoption of this paragraph in the Constitution of the United States, which we have copied and adopted without alteration, Mr. Ellsworth said, "The whole authority over the militia ought by no means to be taken away from the States, whose consequence would pine away to nothing after such a sacrifice of power." In explanation of the power which the committee who reported this paragraph to the convention intended by it to delegate to the General Government, when the militia should be employed in the service of that Government, Mr. King, a member of the committee, said, "By organizing, the committee meant proportioning the officers and men; by arming, the kind, size, and caliber of arms; by disciplining, prescribing the manual, exercise, evolutions," &c.

Mr. Gerry objected to the delegation of the power, even with this explanation, and said, "This power in the United States, as explained, is making the States drill sergeants. He had as lief let the citizens of Massachusetts be disarmed as to take the command from the States and subject them to the General Legislature." Mr. Madison observed that "Arming, as explained, did not extend to furnishing arms, nor the term 'disciplining' to penalties and courts-martial for enforcing them." After the adoption by the convention of the first part of the clause Mr. Madison moved to amend the next part of it so as to read, "Reserving to the States, respectively, the appointment of the officers under the rank of general officers." Mr. Sherman considered this as absolutely inadmissible. He said that "If the people should be so far asleep as to allow the most influential officers of the militia to be appointed by the General Government, every man of discernment would rouse them by sounding the alarm to them." Upon Mr. Madison's proposition, Mr. Gerry said, "Let us at once destroy the State governments, have an Executive for life, or hereditary, and a proper Senate, and then there would be some consistency in giving full powers to the General Government, but as the States are not to be abolished he wondered at the attempts that were made to give powers inconsistent with their existence. He warned the convention against pushing the experiment too far." Mr. Madison's amendment to add to the clause the words "under rank of general officers" was voted down by a majority of eight States against three, according to the Madison Papers, from which the above extracts are taken, and by nine States against two, according to the printed journals of the convention. The reservation in the form in which it now stands in the Constitution, "reserving to the States the appointment of the officers," when the militia are employed in the service of the Confederacy, as well the general officers as those under that grade, was adopted unanimously by the convention.

At the expense of wearying your patience I have been thus careful in tracing the history of this clause of the Constitution to show that it was the clear understanding of those who originated this part of the fundamental law that the States should retain their power over their militia, even while in the service of the Confederacy, by retaining the appointment of all the officers. In practice the Government of the United States, among other numerous encroachments of power, had usurped to itself the power which the convention, after mature deliberation, had expressly denied to it, to wit, the power of appointing the General officers of the militia when employed in the service of the general Government. But even that Government had never attempted to go to the extent of usurping the power to appoint the field and company officers. If the framers of the Constitution were startled at the idea of giving the appointment of the general officers to the General Government, and promptly rejected it, how would they have met a proposition to give the appointment of all the officers down to the lowest lieutenant to it? But you say, "With regard to the mode of officering the troops now called into the service of the Confederacy, the intention of Congress is to be learned from its acts; and from the terms employed it would seem that the policy of election by the troops themselves is adopted by Congress." I confess I had not so understood it, without very essential qualifications. It is true the twelve-months' men who re-enlist have a right within forty days to reorganize and elect their officers. But if I understand the act, judging from the terms used, all vacancies which occur in the old regiments are to be filled not by election, but by the President by promotion down to the lowest commissioned officer, whose vacancy alone is filled by election; and even this rule of promotion may be set aside by the President at any time, under circumstances mentioned in the act, and he may appoint any one he pleases to fill the vacancy, if in his opinion the person selected is distinguished for skill or valor; and the commission in either and all the cases mentioned must be issued by the President.

Quite a number of Georgia regiments are in for the war whose officers hold commissions from the Executive of the State; but even in these regiments, under the act, every person appointed to fill any vacancy which may hereafter occur, it would seem, must hold his commission not from the State but from the President. But admit that Congress by its acts intended to give the troops in every case the right to elect officers, which has not been the established practice, as you have commissioned many persons to command as field officers without election, this does not relieve the acts of Congress from the charge of violation of the Constitution. The question is not as to the mode of selecting the person who is to have the commission, but as to the Government which has, under the Constitution, the right to issue the commission. The States, in the exercise of their reserved power to appoint the officers, may select them by election or may permit the Executive to select them; but the appointment rests upon the commission, as there is no complete appointment till the commission is issued; and therefore the Government that issues the commission exercises the appointing power and controls the appointment. I am not, however, discussing the intention of Congress in the assumption of this power, but only the question of its power; and whatever may have been its intention, I maintain that it has transcended its constitutional powers and has placed in the hands of the Executive of the Confederacy that which the States have expressly and carefully

denied to Congress and reserved to themselves. But you may ask why hold the Executive responsible for the unconstitutional action of Congress? I would not, of course, insist on this any further than the action of Congress has been sanctioned by the Executive and acted upon by him. Feeling satisfied that the conscription act and such other acts of Congress as authorize the President to appoint or commission the officers of the militia of the State, when employed in the service of the Confederate States, "to repel invasion," are in palpable violation of the Constitution, I can consent to do no act which commits Georgia to willing acquiescence in their binding force upon her people. I cannot, therefore, consent to have anything to do with the enrollment of the conscripts in this State; nor can I permit any commissioned officer of the militia to be enrolled who is necessary to enable the State to exercise her reserved right of training her militia, according to the discipline prescribed by Congress, at a time when to prevent troubles with her slaves a strict military police is absolutely necessary to the safety of her people. Nor can I permit any other officer, civil or military, who is necessary to the maintenance of the State government to be carried out of the State as a conscript. Should you at any time need additional troops from Georgia to fill up her just quota, in proportion to the number furnished by the other States, you have only to call on the Executive for the number required to be organized and officered as the Constitution directs, and your call will, as it ever has done, meet a prompt response from her noble and patriotic people, who, while they will watch with a jealous eye, even in the midst of revolution, every attempt to undermine their constitutional rights, will never be content to be behind the foremost in the discharge of their whole duty.

I am, with great respect, your obedient servant,

JOSEPH E. BROWN.

[MAY 8–10, 1862.—For Moore to Davis, in relation to organizing an army west of the Mississippi, &c., see Series I, Vol. LIII, p. 806.]

SPECIAL ORDERS, } ADJT. AND INSP. GENERAL'S OFFICE,
No. 107. } *Richmond, May 9, 1862.*

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XVII. All officers and soldiers who are absent from their regiments, battalions, or companies without authority are hereby ordered to join them forthwith. The commanding general of the Department of Henrico is required to arrest such persons found in and about Richmond and send them back to their respective commands. Should this arrest be disregarded the names of the officers and men in default will be published in the papers as deserters.

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XX. With a view to carry into effect with the least practicable delay the requirements of General Orders, No. 8, current series, all native-born or adopted citizens of Maryland now serving in volunteer regiments will, at their option, be ordered by the commanding officers of their brigades or regiments to proceed and join the First Regiment Maryland Volunteers, now serving in the command of Maj. Gen. T. J. Jackson. Brig. Gen. George H. Steuart will report in person to Maj.

Gen. T. J. Jackson for the purpose of organizing the Maryland Line and for such other duty as may be assigned to him.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, May 13, 1862.

Hon. JAMES CHESNUT,
Columbia, S. C.:

SIR: The act of Congress has left the Department no discretion in regard to exemption. I regret exceedingly the injurious effect of the conscription law upon the military colleges of the country, but I am without power to remedy it. Similar applications have been received from Virginia, Georgia, and Alabama, but the answer has been returned to all that Congress alone can grant relief. Neither could the Department exempt overseers without assuming legislative power. The list of exempts is manifestly very incomplete, and will doubtless receive the attention of Congress at its next session.

GEO. W. RANDOLPH,
Secretary of War.

HDQRS. ARMY OF MISS., ADJT. AND INSP. GEN.'S OFFICE,
Jackson, May 14, 1862.

Col. V. D. GRONER,
Assistant Adjutant-General, Richmond, Va.:

I returned to-day by telegraph to Adjutant-General Cooper a report of Mississippi regiments now organized, and herewith hand you statement in full of all troops raised by the State. There are several more regiments than the State was called upon to furnish, but they are raised under special authority from War Department. The cavalry regiment No. 28 is not in the 7,000 requisition. The seven regiments are not numbered regularly from twenty-eight to thirty-five, because other regiments were organized first and are numbered as their organization was reported to this department. Shall I return to you a muster-roll of each company, or is it unnecessary?

I am, most respectfully, your obedient servant,

JONES S. HAMILTON,
Adjutant and Inspector General, State of Mississippi.

[Inclosure.]

HDQRS. ARMY OF MISS., ADJT. AND INSP. GEN.'S OFFICE,
Jackson, May 14, 1862.

Number of Mississippi regiments and colonels under 7,000 requisition.

Col. E. C. Walthall, No. 29, now at Corinth; Col. G. F. Neill, No. 30, now at Corinth; Col. D. W. Hurst, No. 33, now at Grenada; Col. Samuel Benton, No. 34, now at Corinth; Col. W. S. Barry, No. 35, now at West Point; Col. Robert McLain, No. 37, now at Columbus; Col. W. B. Shelby, No. 39, now at Jackson; Col. P. B. Starke, No. 28 (cavalry), now at Jackson; Col. J. A. Orr, No. 31 (infantry), now at

Saltillo; Col. M. P. Lowrey, No. 32 (infantry), now at Corinth; Col. F. W. Adams, No. 38 (infantry), now at Jackson. Col. D. J. Brown, No. 36, was a twelve-months' regiment, raised for sea-coast service, but has been transferred to General Beauregard and is now at Corinth. It will be reorganized. There is also Balfour's battalion of infantry at Meridian and Gordon's battalion of cavalry at Columbus. These battalions will be filled to regiments.

JONES S. HAMILTON,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, DEPT. OF STATE,
Richmond, Va., May 16, 1862.

C. G. BAYLOR, Esq.:

SIR: In answer to your communication of this morning I have the honor to state that this Government has no desire to destroy any cotton belonging to neutrals, but, on the contrary, is willing to extend to it full protection while in its power, provided the like protection can be made effective when the cotton may fall into the possession of the enemy. The past conduct of the Government of the United States, and the passive attitude of neutral nations whose rights have been violated by the United States, have satisfied us that if cotton belonging to neutrals be allowed to fall into the hands of the enemy it will be seized and appropriated by them regardless of neutral rights, and that neutral powers will fail to afford any protection to the rights of their subjects when thus violated. If, however, as you suggest, any official assurance shall be formally communicated by the Government of any neutral nation to this nation of a nature to satisfy us that cotton belonging to the subjects of such neutral nations shall be effectually protected against seizure and appropriation by the enemy if allowed to fall into his possession, this Government will have no hesitation in issuing instructions to refrain from the destruction of such cotton even when exposed to seizure by the enemy.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of State.

GENERAL ORDERS, No. 36.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, May 17, 1862.

I. All applications for discharge made by persons over thirty-five years of age, who may have been drafted since the 10th of March, 1862, under the Virginia laws, and assigned to military organizations serving under authority of the Confederate States, will be granted by brigade commanders, regimental and company commanders causing to be made out and signing the "Soldier's discharge" and "Final statements," required in all cases of discharge; said papers to indicate cause for the discharge.

II. In all cases where promotion is due from seniority, and the competency of the parties entitled by position to promotion is questionable, a board of examiners shall be convened by brigade commanders to determine the candidates' capabilities of instructing and controlling the commands commensurate with the grade to which promotion is

expected, as also their efficiency and perfect sobriety. All newly elected officers will be examined before similar boards of examiners, to determine their competency and the confirmation of their election.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, May 19, 1862.

Hon. THOMAS H. WATTS,
Attorney-General, Confederate States:

SIR: I desire your opinion upon the following questions arising under the conscription act: The first section requires the discharge of all persons under eighteen and over thirty-five years of age in the regiments, battalions, &c., to be reorganized under the provisions of the act. These regiments and battalions are the twelve-months' volunteers (section 1) and regiments and battalions composed of twelve-months' companies and war troops combined (section 2). Most of the Virginia troops who re-enlisted for the war and received the bounty are in one or the other of the two classes above mentioned, and many of them come within the letter of the provisions granting the discharge of all persons under eighteen and over thirty-five years of age, while most of the same class at the South are in war regiments and are not entitled to their discharge. As such a discrimination as this could not have been intended by Congress, it is questionable whether the letter of the act in this particular should be observed, and I must request your opinion as to the right of a volunteer for the war over thirty-five years of age to his discharge, if he is in a corps to be reorganized under the act.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH.

GENERAL ORDERS, No. 37.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, Va., May 19, 1862.

I. The following act and regulation in reference thereto are published for the information of all concerned.*

II. By the above act of Congress the following classes of persons are exempt from enrollment for military service: Justices of the peace, sheriffs and deputy sheriffs, clerks and deputy clerks allowed by law, masters and commissioners in chancery, district and State attorneys, attorneys-general, postmasters and deputy postmasters and clerks allowed by law, commissioners of revenue, and foreigners who have not acquired domicile in the Confederate States.

III. The following are not exempt: Militia officers not in actual service, persons exempt by State laws but not by the above act, foreigners who have acquired domicile in the Confederate States.

IV. No person other than those expressly named or properly implied in the above act can be exempted, except by furnishing a substitute

* See an act to exempt certain persons from enrollment for service in the armies of the Confederate States, approved April 21, 1862, p. 1081.

exempt from military service, in conformity with regulations already published (General Orders, No. 29), and such exemption is valid only so long as the said substitute is legally exempt.

V. Persons who have furnished substitutes will receive their certificates of exemption from the captains of companies or the commandants of camps by whom the substitutes have been accepted. Other certificates of exemption will be granted by the enrolling officers only, who will receive full instructions in regard to the conditions and mode of exemption. Applications for exemption cannot, therefore, be considered by the War Department.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 114. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, May 19, 1862.*

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XXXIII. Military officers will impress niter caves on requisition of officers of the Niter Corps.

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

[MAY 20, 1862.]

Instructions to ordnance officers in the field.

First. The chief of ordnance of an army corps and ordnance officers of separate commands will correspond with the chief of the Bureau of Ordnance relative to supplies of ordnance and ordnance stores with the commands to which they are attached. Requisitions made whether for money or stores will be approved by the general commanding.

Second. The division ordnance officers will correspond with the chief of ordnance of the army corps to which the divisions are attached and obtain supplies through him. They will be responsible for the property under their charge, and may have an ordnance officer or military store-keeper to assist in the care and responsibility of the property.

Third. Division ordnance officers will obtain one or more wagons for each regiment in their division as ordnance wagons. These wagons will be separate from the train of wagons for reserve ammunition, and will be marked with the name of the regiment to which they are assigned, and will be placed in charge of the ordnance-sergeant of the regiment. The wagons will be covered if possible with painted cloth covers for security against the weather, and each wagon will be supplied with a spare tarpaulin. These wagons will habitually follow their respective regiments.

Fourth. On the eve of battle the division ordnance officer will, under direction of the chief of ordnance of the army, station the ordnance wagons at the point selected for the division field depot of ammunition under charge of his assistant; each train of brigade

ammunition wagons under charge of the senior ordnance-sergeant of the brigade. He will keep himself acquainted with the movements of brigades and cause the wagons of any brigade which may be detached to follow the movements of the brigade.

Fifth. The ordnance-sergeants, together with the details habitually assigned to them for their regiments, will constitute a corps devoted as well to the preservation of the captured and other ordnance stores as to the supplies of ammunition of the various regiments. One man of each detail should follow the movements of the regiment to ascertain its wants and to communicate with the field depot. The habitual details from each regiment should be augmented before a battle to not less than six men from each regiment. The ammunition wagons, their loads temporarily removed, will, as circumstances favor, be employed to carry to the rear such arms and other captured stores as are left upon the battle-field.

Sixth. Especial care must be taken in selecting competent, prompt, and efficient men for the duties of ordnance-sergeants. They may be removed for cause and new appointments ordered, on the application of the division ordnance officers through the chief of ordnance of the army corps, by the commanding general.

Seventh. The ammunition wagons to each regiment will not supersede the necessity for division supply trains.

Duties of ordnance-sergeants.

First. To obey the directions of the division ordnance officer or of the brigade ordnance officer (if the brigade is a separate command) in all relative to care and preservation of arms and duties connected therewith.

Second. To take charge of all supplies, arms, and ammunition of the regiment and make returns of the same according to "Ordnance regulations."

Issues to be made on written requisitions approved by the colonel or commanding officer of the regiment; which requisitions are to be filed with his "Return of property."

Third. To take charge of the ordnance wagon or wagons attached to each regiment, and to see that it always contains at least fifteen rounds per man of the regiment—surplus arms or accouterments to be turned over to the brigade or division ordnance officer.

Fourth. To supervise the condition of the arms of the regiment and get a detail of at least two mechanics to assist him in the necessary repairs to the arms, an account of these repairs to be kept as far as possible against each man of the regiment; repairs to be made on the order of the colonel of the regiment.

Fifth. To take charge of the arms and accouterments of the sick of the regiments in hospitals, which will be kept until the sick are sent to the general hospital, when their arms will be turned over to the brigade or division depots.

Sixth. In battle it will be the duty of the ordnance-sergeants to remain with the ammunition wagons and act with the details assigned to them from the regiments, under the orders of the ordnance officer, in supplying the troops with ammunition, collecting arms of the killed and wounded, and securing captured arms and ammunition.

Approved:

G. W. RANDOLPH,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., May 20, 1862.

His Excellency Governor J. E. BROWN,
Milledgeville, Ga.:

DEAR SIR: At the time you turned over the Georgia State troops to General Lawton Congress had not passed the act authorizing their reception. Upon the passage of that act I informed you by telegraph that I was authorized to accept them, and have just received your letter of the 5th instant tendering them to the Confederate States Government. They will be in all respects on the same footing as regiments raised under the authority of the War Department. If the muster-rolls have not been delivered to General Lawton I must request that you will cause them to be forwarded to the Adjutant-General. I shall lay your letter before the President. I have appointed Colonel Dunwody to take charge of the enrollment of conscripts, and have furnished him with full instructions and a copy of the act of exemption. No State officer is liable to enrollment, and should any such officer be enrolled it will only be necessary to bring it to the notice of the Department. Your letter in reference to the seizure of your arms here I trust has been satisfactorily answered by General Lee, to whom it was referred. It is almost impossible to avoid such things when a cargo is hastily landed and moved off without time to examine marks or invoices. I presume that your arms are usually marked "J. E. B." This was not known to be your mark until recently, and will be respected hereafter.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

[MAY 21, 1862.—For T. O. Moore to Davis, in reference to the enrollment of conscripts in Louisiana, &c., see Series I, Vol. XV, p. 740.]

GENERAL ORDERS, No. 38.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, May 22, 1862.

I. The following act of Congress is published for the information of all concerned:

AN ACT to punish drunkenness in the Army.

SECTION 1. *The Congress of the Confederate States of America do enact*, That any commissioned officer of the Regular or Provisional Army who shall be found drunk, either while on or off duty, shall, on conviction thereof before a court of inquiry, be cashiered or suspended from the service of the Confederate States, or be publicly reprimanded, according to the aggravation of the offense, and in addition to a sentence cashiering any such officer, he may also be declared incapable of holding any military office under the Confederate States during the war.

SEC. 2. That it shall be the duty of all officers to report to the commanding officer of the post, regiment or corps to which they belong, all cases coming under their observation of intoxication of commissioned officers, whether of superior or inferior grades to themselves; and it shall be the duty of the commanding officer of the division or brigade to which said post, regiment or corps belongs, to whom such report may be made, to report the same to the officer commanding the brigade or division, who shall organize said court and order the trial of said offender at the earliest time consistent with the public service.

SEC. 3. The findings of any such court shall be promptly transmitted to the Secretary of War by the commanding officer, together with his approval or disapproval thereof, and shall be reported to Congress at the next session thereafter, by the said Secretary.

Approved April 21, 1862.

II. Commanding generals will issue the necessary orders to carry into execution the above act.

III. Each battalion of sharpshooters organized under the act of April 21, 1862 (see General Orders, No. 34), will be composed of soldiers from the same State; those from different States will not be organized in the same battalion of sharpshooters.

IV. Citizens of Maryland whose term of service in the C. S. Army has expired are entitled to a discharge, and upon proper evidence being furnished their regimental commanders will order their discharge.

V. By General Orders, No. 37, foreigners who have not acquired domicile are exempt from service in the C. S. Army; and all such foreigners as may have enlisted in said service should be discharged by order of their brigade commanders when their term of enlistment is at an end. The question of domicile or permanent residence is, however, a question of law, and should be determined from the facts of the case and not by the opinion or oath of the party.

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By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, *May 23, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War, Richmond:

SIR: I respectfully beg leave to submit to you that the supplies of this department are totally inadequate to fill the requisitions made upon it. It has been formally reported to me to-day that requisitions representing the complete outfit of 40,000 [men] are necessarily unfilled, of course greatly to the dissatisfaction of the troops. The deficiency in quartermaster's stores has been occasioned in a great measure by the interference of the conscription act with the arrangements of the manufacturers with whom contracts have been made. Under its operations they have been deprived of the services of their employés to such an extent that they have been rendered incapable of complying with the contracts made with this department for a continued supply of various articles absolutely essential for issue to the Army. This interference with the sources from which supplies have been received has made it impossible to replace the stores which have been issued from the depots. In this condition of things I deem it my duty to place on record this statement of facts, and to urge very respectfully that the requisite number of men may be discharged or detailed to enable the various contractors with the department to fulfill their obligations and thus furnish those supplies which are absolutely necessary for issue to the Army. Unless this be done the inability to fill requisitions for the different species of quartermaster's stores must be indefinitely continued, and the resources of the country cannot be made available for the imperative requirements of the service.

A. C. MYERS,
Quartermaster-General.

GENERAL ORDERS, No. 39. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, May 26, 1862.*

I. The second paragraph of General Orders, No. 36, is hereby revoked, and the following substituted therefor: When an officer elected or promoted in the Provisional Army, by reason of seniority, is by law to be commissioned by the President, and there is reasonable ground to doubt his qualification or fitness for the commission, his brigade commander, if there be one, or if not, then his division commander will assemble a board of not less than three commissioned officers of equal or superior rank to the officer elected or promoted, who shall inquire into his qualifications and fitness for the commission and shall report to this office, for the information of the War Department, the facts of the case, and their own opinion of the qualification and fitness of the officer. This order will apply to all persons not yet commissioned or recognized as in commission by the Department.

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V. Frequent complaints having been made of injury to fencing and to the grounds on or near which troops have encamped, attention is called to the 983d paragraph of the Army Regulations, which requires the commanding officer and quartermaster to make an inspection of buildings occupied as barracks, quarters, or lands occupied for encampments, when they are vacated, and a report to be made to the Quartermaster-General of their condition, and of any injury to them by the use of the troops.

This regulation will be strictly enforced; and in case of injury not reported by the commanding officer and quartermaster, they will be charged on their pay account of the troops with the damage done. If report be made, it must specify by whom the injury was inflicted, and the deduction in such case will be made from the pay of the offending party.

VI. Hereafter brigadier-generals will have timely requisitions made for all blanks issued from this office, in order that they may be forwarded for early distribution.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., May 26, 1862.

Hon. GEORGE W. RANDOLPH,
Secretary of War, Richmond, Va.:

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, in which you say in reference to the conscription act that you "have appointed Colonel Dunwody to take charge of the enrollment of conscripts, and have furnished him with full instructions and a copy of the act of conscription. No State officer is liable to enrollment, and should any such officer be enrolled it will be only necessary to bring it to the notice of the Department." Be assured, sir, that I feel much gratified at this statement, as the adoption of such a policy as to the enrollment of conscripts in Georgia will insure perfect harmony in that regard between the Confederate and State governments. I am frank to avow to you that I view the conscription act not only as unnecessary as to Georgia, but as unconstitutional as

to all the States; nevertheless, considering the exigencies of the times, while I felt constrained by my obligations under the Constitution not officially to aid in its execution, I determined to throw no obstacles in the way of its being carried out in Georgia further than might become absolutely necessary to preserve intact the State government in all its departments, civil and military. Hence I addressed a letter to the President and to yourself claiming exemption from the operation of the act of all State officers in Georgia, civil and military. Without the officers of the militia it is impossible to maintain the internal State police regulations absolutely necessary to the safety of the people. Hence it would have been impossible for me to have consented to the enrollment of the State officers of the militia, and if insisted upon conflict must have been the inevitable result. Your assurance that no State officer will be enrolled leaves no further reason to apprehend any such misfortune.

I am, very truly, &c.,

JOSEPH E. BROWN.

MILLEDGEVILLE, *May 26, 1862.*

ADJUTANT AND INSPECTOR GENERAL:

SIR: I have the honor to report that in accordance with instructions received at Richmond May 16, 1862, from the Secretary of War, I called upon the Governor of Georgia for permission to employ State officers to enroll recruits under General Orders, No. 30. I found the Governor pleasant and conciliatory, although firm and determined in his preconceived views of action with reference to conscript act. He assures me he will not interfere with its execution in the State when not conflicting with his views. He absolutely refuses to give any State aid in the enrollment. Further than the act of exemptions designates, he desires to screen no one from enrollment, excepting a company of some 125 men organized as a guard of bridges, &c., on State road, the Confederate Government not having detailed troops for that duty in this State. He further, in accordance with General Orders, No. 8, a printed copy of which I inclose,* pointedly orders militia officers not to enroll themselves as conscripts, but to continue in service as officers of the militia of the State by Article VI. He discards all officers of militia whose place has been vacated for any cause whatever, and shall fill said vacancies only by elections. The Governor places great stress on the necessity of his militia organization; that he must and shall maintain it by protecting all such officers as may be liable to conscription. Am I to be allowed to use any discretion, or shall I order enrolling officers to bring the issue directly up? Please give me written instructions on this point. The Governor distinctly stated that should I proceed to have enrolled said militia officers he would have me arrested, at the same time disclaiming any personal feeling, but acting as he considered in accordance with his sense of duty as Governor of the State of Georgia in defending her constitutional rights and interests.

I shall proceed immediately to Savannah and move General Lawton as fast as circumstances will admit to furnish me with officers for enrolling in the respective counties. I have not yet fully determined the location of camp No. 1; shall be guided by my instructions and Article II, section 3, referring to that subject. Communications

*Not found as an inclosure.

have reached me from Richmond, purporting as having been recognized by Secretary, soliciting position and pressing the selection of camp No. 2. I shall, in accordance with my understanding of instructions, await the obvious necessity of such a camp before I shall recommend its establishment. I have an eye toward quartermaster's and commissary arrangements to be in operation so soon as necessity requires. I have also communicated with medical director as to hospital arrangements for camp. There are other points to which I would call your attention and request your opinions. The multiplicity of permissions granted to individuals to organize regiments, battalions, and companies has in effect destroyed the main feature of the conscript act—the enrollment of men to fill up regiments now in the field, increasing them up to the maximum number allowed in said act, most of the conscripts having joined these new organizations, most of which are full or up to the maximum number. Can this evil be remedied by disbanding weak regiments in field, retaining the enlisted men to fill up others, or can you get rid of some of the officers of these new organizations? I find many regiments, battalions, and companies—some at Camp McDonald, Camp Stephens, and other points mostly full—some organized, some partially so. According to my instructions I shall shortly issue orders calling upon the commanding officers of all such regiments, battalions, and companies not otherwise ordered by the Department to repair to my camp of instruction, reporting their true condition. The same I shall immediately report to the Department. Should I find among them irregularities in organization not in full compliance with their authority limited by Article IV, sections 10 and 11, how am I to regard said organizations, and what is to be done with their officers? The instructions are clear as to such as are not fully enrolled up to date—17th of May. Article X, on substitutes, clearly sets forth that a conscript desiring to furnish "a substitute shall report himself with said substitute at camp of instruction," &c., there to be enrolled. Many of these new companies gotten up since the passage of the conscript act have enrolled many substitutes, in some as high as twenty or more, the captains giving certificates to the subject of conscription, who are now in their respective counties at home. How shall I instruct the enrolling officer? Are these men subject, or must said captains' receipts, pointing out where the substitute is to be found, be received by enrolling officer, and he be authorized to pass by the conscript? The colonels elect of the new regiments now organized and not under orders from the Department will rank me. How shall that matter be reconciled? My address for the present will be Marietta, Cobb County, Ga.

I am, sir, very respectfully, your obedient servant,

JOHN DUNWODY,
Major and Assistant Adjutant-General.

TREASURY DEPARTMENT,
Richmond, May 27, 1862.

His Excellency JEFF. DAVIS,
President of Confederate States of America:

SIR: I respectfully report that a telegraphic dispatch has just been received by this Department from F. H. Hatch, at Mobile, stating that by order of General Beauregard of the 25th, General Forney, commander of the department, has seized $100,000 in gold coin of the

moneys of the banks seized at Columbus for the use of the ordnance department at Columbus. This money was not in the Treasury, but was seized by the military commander at the request of this Department to prevent its falling into the hands of the enemy. Mr. Hatch is the agent of the military commander, General Lovell, and had the money in possession. It is obvious, therefore, that the Government is responsible for the money, and that it must be accounted for to the legal owners. Mr. Hatch was on his way to deposit it with the Assistant Treasurer at Montgomery. If, under these circumstances, the general of an army can intercept the money and use it for any purpose he may think fit, great confusion will ensue. The War Department is the judge of the necessities of its various bureaus, and makes its requisitions on the Treasury. These requisitions are all paid in Treasury notes. If one be paid in coin and others in Treasury notes the utmost injustice is perpetrated. Moreover, the coin is of the highest value for other purposes, and if used by the Government it should be employed for purposes other than those which can be answered by Treasury notes. I feel it my duty, therefore, to report this seizure as a matter calling for your examination and interposition.

Very respectfully, your obedient servant,

C. G. MEMMINGER,
Secretary of the Treasury.

[Indorsement.]

MAY 27, 1862.

SECRETARY OF WAR:

Direct General Forney to release the money immediately, and inform General Beauregard of his untimely intervention.

J. D.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Montgomery, Ala., May 28, 1862.

Capt. J. W. BONDURANT,
Commanding Jeff Davis Artillery, Richmond:

SIR: The Governor is in receipt of yours of the 24th instant, and in reply directs me to state that he has received no instructions under the conscript act. He cannot proceed until he does. There have been recently nineteen new regiments organized in the State, besides a legion with twenty-three companies. Some of them have been ordered away and several of them are required at Mobile, but there are no less than five regiments in camp, and the legion doing nothing. Alabama has upward of 60,000 troops in the service, and the number of conscripts will be small, most of them having volunteered.

Very respectfully,

GEO. GOLDTHWAITE,
Adjutant and Inspector General.

GENERAL ORDERS, No. 40.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, May 29, 1862.

I. The following act of Congress and regulations in reference thereto are published for the information of the Army, viz:

AN ACT to organize a signal corps.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President be and is hereby authorized by and with the advice and consent of

the Senate, to appoint ten officers in the Provisional Army, of a grade not exceeding that of captain, and with the pay of corresponding grades of infantry, who shall perform the duties of signal officers of the Army. And the President is hereby authorized to appoint ten sergeants of infantry, in the Provisional Army, and to assign them to duty as signal sergeants. The signal corps above authorized may be organized as a separate corps, or may be attached to the Department of the Adjutant and Inspector General, or to the Engineer Corps, as the Secretary of War shall direct.

Approved April 19, 1862.

II. The Signal Corps authorized by this act will be attached to the Adjutant and Inspector General's Department, and officers of that department may be instructed in and assigned to signal duty.

III. A signal officer will be attached to the staff of each general or major-general in command of a corps, and of a major-general in command of a division. These signal officers will each be assisted by as many signal sergeants, and instructed non-commissioned officers and privates, selected from the ranks for their intelligence and reliability, as circumstances may require; and as many lance sergeants as are required may be appointed. Such non-commissioned officers and privates may be detailed for this duty by the generals in whose command they are serving. Before being instructed they will each be required by the signal officer to take an oath not to divulge, directly or indirectly, the system of signals, the alphabet, or any official message sent or received thereby. Non-commissioned officers, while on signal duty, and privates on this duty, will receive forty cents per day extra pay.

IV. Commissioned officers of the Signal Corps, or officers serving on signal duty, will be entitled to the forage and allowance of officers of similar rank in the cavalry. Non-commissioned officers and privates on signal duty will be mounted by the quartermaster, on the order of the commanding general.

V. Requisitions for flags, torches, glasses, and all the material required will be made on the Quartermaster's Department, or they may be purchased by the quartermaster of any division, on the order of the major-general commanding.

VI. On the order of the general commanding a corps, other officers, non-commissioned officers, or privates than those regularly on signal duty may be instructed in the system of signals, after having taken the oath prescribed above. Wherever it is practicable it is specially recommended to all general officers to have their assistant adjutants-general and aides-de-camp instructed.

VII. Whatever is prescribed herein for a division or for a major-general will be observed in the case of each brigade which constitutes a separate command.

VIII. All officers and non-commissioned officers accepting appointments to the Signal Corps will forward with their acceptances the oath prescribed above, sworn to before a magistrate, notary public, or commissioned officer of the corps.

IX. Quarterly returns of signal property will be made by all officers having it in charge to the Quartermaster's Department, and the senior signal officer of each separate army in the field will report quarterly to the Adjutant and Inspector General the number and organization of the signal corps of the army, and its general operations during the previous quarter.

X. It will be the duty of the signal officer of every division in the

field to instruct the adjutant of each regiment in the division in the system of signals in use in the Army.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE DEPARTMENT,
Richmond, Va., May 29, 1862.

His Excellency JOSEPH E. BROWN,
Governor of Georgia, Milledgeville, Ga.:

DEAR SIR: I received your letter of the 8th instant in due course, but the importance of the subject embraced in it required careful consideration, and this, together with other pressing duties, has caused delay in my reply. The constitutional question discussed by you in relation to the conscription law had been duly weighed before I recommended to Congress the passage of such a law. It was fully debated in both Houses, and your letter has not only been submitted to my Cabinet, but a written opinion has been required from the Attorney-General. The constitutionality of the law was sustained by a very large majority of both Houses. This decision of the Congress meets the concurrence not only of my own judgment, but of every member of the Cabinet, and a copy of the opinion of the Attorney-General, herewith inclosed,* develops the reasons on which his conclusions are based. I propose, however, from my high respect for yourself and other eminent citizens who entertain opinions similar to yours, to set forth somewhat at length my views on the power of the Confederate Government over its own armies and the militia, and will endeavor not to leave without answer any of the positions contained in your letter.

The main, if not the only, purpose for which independent States form unions or confederations is to combine the power of the several members in such manner as to form one united force in all relations with foreign powers, whether in peace or in war. Each State, amply competent to administer and control its own domestic government, yet too feeble successfully to resist powerful nations, seeks safety by uniting with other States in like condition, and by delegating to some common agent the combined strength of all, in order to secure advantageous commercial relations in peace and to carry on hostilities with effect in war.

Now, the powers delegated by the several States to the Confederate Government, which is their common agent, are enumerated in the eighth section of the Constitution, each power being distinct, specific, and enumerated in paragraphs separately numbered. The only exception is the eighteenth paragraph, which by its own terms is made dependent on those previously enumerated, as follows: "Eighteenth. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers," &c. Now, the war powers granted to the Congress are conferred in the following paragraphs: No. 1 gives authority to raise revenue necessary to pay the debts, provide for the common defense, and carry on the Government, &c. No. 11, "To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." No. 12, "To raise and

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*Not found.

support armies, but no appropriation of money to that use shall be for a longer term than two years." No. 13, "To provide and maintain a navy." No. 14, "To make rules for the government and regulation of the land and naval forces." It is impossible to imagine a more broad, ample, and unqualified delegation of the whole war power of each State than is here contained, with the solitary limitation of the appropriations to two years. The States not only gave power to raise money for the common defense, to declare war, to raise and support armies (in the plural), to provide and maintain a navy, to govern and regulate both land and naval forces, but they went further and covenanted by the third paragraph of the tenth section not "to engage in war, unless actually invaded, or in such imminent danger as will not admit of delay." I know of but two modes of raising armies within the Confederate States, viz, voluntary enlistment and draft or conscription. I perceive in the delegation of power to raise armies no restriction as to the modes of procuring troops. I see nothing which confines Congress to one class of men, nor any greater power to receive volunteers than conscripts into its service. I see no limitation by which enlistments are to be received of individuals only, but not of companies or battalions, or of squadrons or regiments. I find no limitation of time of service, but only of duration of appropriation. I discover nothing to confine Congress to waging war within the limits of the Confederacy, nor to prohibit offensive war. In a word, when Congress desires to raise an army and passes a law for that purpose, the solitary question is under the eighteenth paragraph, viz, Is the law one that is necessary and proper to execute the power to raise armies? On this point you say: "But did the necessity exist in this case? The conscription act cannot aid the Government in increasing its supply of arms and provisions, but can only enable it to call a larger number of men into the field. The difficulty has never been to get men. The States have already furnished to the Government more than it can arm." I would have very little difficulty in establishing to your entire satisfaction that the passage of the law was not only necessary, but that it was absolutely indispensable; that numerous regiments of twelve-months' men were on the eve of being disbanded, whose places could not be supplied by new levies in the face of superior numbers of the foe without entailing the most disastrous results; that the position of our armies was so critical as to fill the bosom of every patriot with the liveliest apprehension, and that the provisions of this law were effective in warding off a pressing danger. But I prefer to answer your objection on other and broader grounds. I hold that when a specific power is granted by the Constitution, like that now in question, "to raise armies," Congress is the judge whether the law passed for the purpose of executing that power is "necessary and proper." It is not enough to say that armies might be raised in other ways, and that therefore this particular way is not "necessary." The same argument might be used against every mode of raising armies. To each successive mode suggested the objection would be that other modes were practicable, and that therefore the particular mode used was not "necessary."

The true and only test is to inquire whether the law is intended and calculated to carry out the object; whether it devises and creates an instrumentality for executing the specific power granted, and if the answer be in the affirmative the law is constitutional. None can doubt that the conscription law is calculated and intended to "raise armies." It is, therefore, "necessary and proper" for the execution

of that power, and is constitutional, unless it comes into conflict with some other provision of our Confederate compact. You express the opinion that this conflict exists, and support your argument by the citation of those clauses which refer to the militia. There are certain provisions not cited by you which are not without influence on my judgment and to which I call your attention. They will aid in defining what is meant by militia and in determining the respective powers of the States and the Confederacy over them. The several States agree "not to keep troops or ships of war in time of peace." (Art. I, sec. 10, par. 3.) They further stipulate that "a well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." (Sec. 9, par. 13.) That "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger," &c. (Sec. 9, par. 16.) What, then, are militia? They can only be created by law. The arms-bearing inhabitants of a State are liable to become its militia if the law so ordered, but in the absence of a law to that effect the men of a State capable of bearing arms are no more militia than they are seamen. The Constitution also tells us that militia are not troops, nor are they part of the land or naval forces, for militia exist in time of peace, and the Constitution forbids the State to keep troops in time of peace, and they are expressly distinguished and placed in a separate category from land or naval forces in the sixteenth paragraph above quoted; and the words "land and naval forces" are shown by paragraphs 12, 13, and 14 to mean the Army and Navy of the Confederate States. Now, if militia are not the citizens taken singly, but a body created by law; if they are not troops, if they are no part of the Army and Navy of the Confederacy, we are led directly to the definition quoted by the Attorney-General that militia are "a body of soldiers in a State enrollment for discipline."

In other words, the term "militia" is a collective term, meaning a body of men organized, and cannot be applied to the separate individuals who compose the organization. The Constitution divides the whole military strength of the States into only two classes of organized bodies, one the Army of the Confederacy, the other the militia of the States. In the delegation of power to the Confederacy, after exhausting the subject of declaring war, raising and supporting armies, and providing a navy, in relation to all which the grant of authority to Congress is exclusive, the Constitution proceeds to deal with the other organized body, the militia, and instead of delegating power to Congress alone, or reserving it to the States alone, the power is divided as follows, viz, Congress is to have power "to provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions." (Sec. 8, par. 15.) "To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress." (Par. 16.) Congress, then, has the power to provide for organizing the arms-bearing people of the States into militia; each State has the power to officer and train them when organized. Congress may call forth the militia to execute Confederate laws; the State has not surrendered the power

to call them forth to execute State laws. Congress may call them forth to repel invasions; so may the State, for it has expressly reserved this right. Congress may call them forth to suppress insurrection, and so may the State, for the power is impliedly reserved of governing all the militia except the part in actual service of the Confederacy. I confess myself at a loss to perceive in what manner these careful and well-defined provisions of the Constitution regulating the organization and government of the militia can be understood as applying in the remotest degree to the armies of the Confederacy; nor can I conceive how the grant of exclusive power to declare and carry on war by armies raised and supported by the Confederacy is to be restricted or diminished by the clauses which grant a divided power over the militia. On the contrary, the delegation of authority over the militia, so far as granted, appears to me to be plainly an additional enumerated power, intended to strengthen the hands of the Confederate Government in the discharge of its paramount duty—the common defense of the States. You state, after quoting the twelfth, fifteenth, and sixteenth grants of power to Congress, that "these grants of power all relate to the same subject-matter, and are all contained in the same section of the Constitution, and by a well-known rule of construction must be taken as a whole and construed together."

This argument appears to me unsound. All the powers of Congress are enumerated in one section, and the three paragraphs quoted can no more control each other by reason of their location in the same section than they can control any of the other paragraphs preceding, intervening, or succeeding. So far as the subject-matter is concerned, I have already endeavored to show that the armies mentioned in the twelfth paragraph are a subject-matter as distinct from the militia mentioned in the fifteenth and sixteenth as they are from the Navy, mentioned in the thirteenth. Nothing can so mislead as to construe together and as a whole the carefully separated clauses which define the different powers to be exercised over distinct subjects by the Congress. But you add that "by the grant of power to Congress to raise and support armies without qualification the framers of the Constitution intended the regular armies of the Confederacy, and not the armies composed of the whole militia of all the States." I must confess myself somewhat at a loss to understand this position. If I am right that the militia is a body of enrolled State soldiers, it is not possible in the nature of things that armies raised by the Confederacy can "be composed of the whole militia of all the States." The militia may be called forth in whole or in part into the Confederate service, but do not thereby become part of the armies raised by Congress. They remain militia and go home when the emergency which provoked their call has ceased. Armies raised by Congress are of course raised out of the same population as the militia organized by the States, and to deny to Congress the power to draft a citizen into the Army or to receive his voluntary offer of services because he is a member of the State militia is to deny the power to raise an army at all, for practically all men fit for service in the Army may be embraced in the militia organizations of the several States. You seem, however, to suggest rather than directly to assert that the conscription law may be unconstitutional, because it comprehends all arms-bearing men between eighteen and thirty-five years; at least, this is an inference which I draw from your expression, "armies composed of the whole militia of all the States." But it is obvious that if Congress have power to draft into the armies raised by it any citizens at all

(without regard to the fact whether they are or not members of militia organizations) the power must be coextensive with the exigencies of the occasion or it becomes illusory; and the extent of the exigency must be determined by Congress, for the Constitution has left the power without any other check or restriction than the Executive veto. Under ordinary circumstances the power thus delegated to Congress is scarcely felt by the States. At the present moment, when our very existence is threatened by armies vastly superior in number to ours, the necessity for defense has induced a call not for "the whole militia of all the States," not for any militia, but for men to compose armies for the Confederate States.

Surely there is no mystery on this subject. During our whole past history, as well as during our recent one year's experience as a new Confederacy, the militia have been called forth to repel invasions in numerous instances, and they never came otherwise than as bodies organized by the States, with their company, field, and general officers; and when the emergency had passed they went home again. I cannot perceive how any one can interpret the conscription law as taking away from the States the power to appoint officers to their militia. You observe on this point in your letter that unless your construction is adopted "the very object of the States in reserving the power of appointing the officers is defeated, and that portion of the Constitution is not only a nullity, but the whole military power of the States and the entire control of the militia, with the appointment of the officers, is vested in the Confederate Government whenever it chooses to call its own action 'raising an army,' and not 'calling forth the militia.'" I can only say in reply to this that the power of Congress depends on the real nature of the act it proposes to perform, not on the name given to it; and I have endeavored to show that its action is merely that of "raising an army," and bears no semblance to "calling forth the militia." I think I may safely venture the assertion that there is not one man out of a thousand who will do service under the conscription act that would describe himself while in the Confederate service as being a militiaman; and if I am right in this assumption the popular understanding concurs entirely with my own deductions from the Constitution as to the meaning of the word "militia." My answer has grown to such a length that I must confine myself to one more quotation from your letter. You proceed:

> Congress shall have the power to raise armies. How shall it be done? The answer is clear. In conformity to the provisions of the Constitution, which expressly provides that when the militia of the States are called forth to repel invasion and employed in the service of the Confederate States, which is now the case, the States shall appoint the officers.

I beg you to observe that the answer which you say is clear is not an answer to the question put. The question is, How are armies to be raised? The answer given is, that when militia are called forth to repel invasion the State shall appoint the officers. There seems to be a conclusive test on this whole subject. By our Constitution Congress may declare war, offensive as well as defensive. It may acquire territory. Now, suppose that, for good cause and to right unprovoked injuries, Congress should declare war against Mexico and invade Sonora. The militia could not be called forth in such a case, the right to call it being limited to repel invasions. Is it not plain that the law now under discussion, if passed under such circumstances, could

by no possibility be aught else than a law to "raise an army?" Can one and the same law be construed into a "calling forth the militia," if the war be defensive, and a "raising of armies," if the war be offensive? At some future day, after our independence shall have been established, it is no improbable supposition that our present enemy may be tempted to abuse his naval power by depredations on our commerce, and that we may be compelled to assert our rights by offensive war. How is it to be carried on? Of what is the army to be composed? If this Government cannot call on its arms-bearing population otherwise than as militia, and if the militia can only be called forth to repel invasion, we should be utterly helpless to vindicate our honor or protect our rights. War has been well styled "the terrible litigation of nations." Have we so formed our Government that in this litigation we must never be plaintiff? Surely this cannot have been the intention of the framers of our compact. In no aspect in which I can view this law can I find just reason to distrust the propriety of my action in approving and signing it, and the question presented involves consequences both immediate and remote too numerous to permit me to leave your objections unanswered.

In conclusion I take great pleasure in recognizing that the history of the past year affords the amplest justification for your assertion that if the question had been whether the conscription law was necessary in order to raise men in Georgia the answer must have been in the negative. Your noble State has promptly responded to every call that it has been my duty to make on her, and to you personally, as her Executive, I acknowledge my indebtedness for the prompt, cordial, and effective co-operation you have afforded me in the effort to defend our common country against the common enemy.

I am, very respectfully, your obedient servant,

JEFFERSON DAVIS.

[MAY 29, 1862.—For Secretary of War to Governor of Arizona, authorizing the raising of five battalions for the Confederate service, see Series I, Vol. L, Part I, p. 1108.]

EXECUTIVE DEPARTMENT,
Richmond, Va., May 30, 1862.

Governor J. J. PETTUS,
Jackson, Miss.:

SIR: Your letter of the 14th instant, in relation to the operation of the conscription law in the State of Mississippi, has been received and referred to the War Department for consideration. The following is the report thereon:

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., May 29, 1862.

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

SIR: The letter of the Governor of Mississippi, referred to this Department, has been duly considered, and I have the honor to report that applications of a similar character have been very numerous, and I have uniformly replied that overseers not being exempted by the act of Congress, the Department has no authority to extend the provisions of the law. I have pointed out that the remedy was to be found in an application to Congress at its next session in August, and that in the meantime great injury could not result, for the following reasons, viz: First, the conscription act exempted all persons over thirty-five years of age; second, the

enrollment had not yet been commenced, and a considerable period would elapse before arrangements could be made to carry out the provisions of the law; third, in cases of peculiar hardship substitutes might be furnished.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

The impression which you allude to as prevailing in the community, "that there is odium attached to those who delay enlisting until they are brought into the ranks under provisions of that (the conscription) law," must arise from an entire misapprehension of the object, which is to ascertain the number of persons between the ages of eighteen and thirty-five available for military service, and to have them prepared for such service in camps of instruction, that they may be called upon as the exigencies of the country require. The law simply offers a substitute for the previous methods of raising troops. Its operation embraces all communities of the Confederate States, and can in no way bring discredit upon any individual.

Very respectfully, your obedient servant,

JEFFERSON DAVIS.

GENERAL ORDERS, No. 41.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, May 31, 1862.

I. General officers and officers in command of departments, districts, and separate posts will make a detail of men from their commands to work the niter caves which may be situated within the limits of their respective commands. These details will be made on the requisition of the officer in charge of the Niter Bureau in the War Department. The men thus detailed will be organized temporarily under the command of the niter officer in charge of the particular cave, who will make monthly reports to the general or other officer commanding the department, district, or post in which the cave may be located, in order that such commanding officer may treat as deserters such of the detailed men as may leave the works without permission. And it is enjoined upon generals and other commanding officers to give protection, as far as possible and to the extent of their means, against any encroachments of the enemy upon the niter caves within the limits of their commands.

II. All persons in the employment of the Niter Bureau, whether contractors for manufacturing saltpeter, or laborers in their employment, are exempt by law from enrollment.

III. Officers of the Quartermaster's and Commissary Departments will furnish the officers and men of the Niter Bureau with provisions and forage as in the case of ordnance officers and men in the field.

IV. Officers of the Niter Bureau are authorized to impress free negroes for the purpose of working the niter caves, who will be paid wages and be furnished with subsistence.

V. Paragraph No. 161, General Regulations of the Army, relating to discharges in hospital, is so far modified as to dispense with the necessity of sending certificates of disability in the case of soldiers sick in the hospitals in Richmond to the commandants of regiments where communication with them is difficult and cases urgent. In all such cases the certificates will be sent to Brig. Gen. John H. Winder, commanding the Department of Henrico, who will grant the discharge and notify the same to the regimental commander, who will cause the

final statements in each case of discharge to be made out and sent to the officer granting the discharge, for the benefit of the discharged soldier.

VI. The following is published for the information of all concerned:

The act No. 52, approved March 6, 1861, section 19, provides that "there shall be allowed, in addition to the pay hereinbefore provided, to every commissioned officer except the Surgeon-General, $9 per month for every five years' service; and to the officers of the Army of the United States who have resigned or may resign, to be received into the service of the Confederate States, this additional pay shall be allowed from the date of their entrance into the former service."

The foregoing act applies to all officers of the U. S. Army who have resigned from that Army to be received into the service of the Confederate States, whether in the Regular or Provisional Army.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

HEADQUARTERS CAMP OF INSTRUCTION,
Columbia, S. C., June 4, 1862.

General S. COOPER,
Adjutant and Inspector General, C. S. Army, Richmond, Va.:

GENERAL: I have the honor to report that instantly on the receipt of my orders and instructions under the conscript act, which reached me on the 26th of May, I made application to the Governor of South Carolina for permission to employ State enrolling officers for the purpose of the enrollment of conscripts, and furnished His Excellency with a copy of my instructions in full. I have received no response to this application. The public exigency seeming to require promptitude in the conscription I ask instruction by telegraph. It is proper to report that after the passage of the conscript act—say about the 1st of May—and in view of the act the State of South Carolina began an enrollment, which I was officially informed would be placed in my hands before the 1st of June. I am now informed it will not be returned before the 20th of June at the earliest. I am also informed that when returned it will be expurgated of the names of persons exempt by State law. Shall I accept this enrollment, or shall I proceed at once to enroll by employing Confederate officers as under the law? It is proper to represent that the authorities of the State have given me to understand they will persist in every form to require exemption under the State law. Not less than twenty officers belonging to South Carolina regiments in Virginia have reported to me under orders from their colonels to obtain their quota of conscripts. Some I have ordered to return to their commands; others having furloughs I have given leave of absence; others are held to duty. I suggest that the two latter classes be employed by me in enrolling, and that colonels be ordered not to send officers or rolls until applied to by the commandant of the camp of instruction.

I have the honor to be, very respectfully, your obedient servant,

JNO. S. PRESTON,
Lieutenant-Colonel, Commanding Camp of Instruction.

P. S.—I have the honor to inclose a copy of my letter to and the reply of the enrolling officer of the State of dates previous to my instructions of the 16th of May.

J. S. P.

[Inclosure No. 1.]

HEADQUARTERS,
Columbia, S. C., May 23, 1862.

Major MELTON,
Assistant Adjutant-General of South Carolina:

MAJOR: Preparatory to arrangements for the disposal of the troops under the conscription act I beg leave respectfully to inquire of you as the enrolling officer—

First. Do you expunge from your enrollment persons exempt by State laws but not specifically exempt by the conscription act?

Second. Do you accept claims for exemption passed by the local boards of examination?

Third. Will your enrollment when returned to me as the officer charged with the disposing of the troops exhibit the claims for exemption and the decisions thereon?

Fourth. Within what time may I expect you to return to me the enrollment?

These questions are submitted, as the matter is proper to my report to the War Department.

Very respectfully, your obedient servant,

JNO. S. PRESTON.
Lieutenant-Colonel, Commanding Camp of Instruction.

[Inclosure No. 2.]

STATE OF SOUTH CAROLINA,
ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Columbia, May 24, 1862.

Lieut. Col. JOHN S. PRESTON,
Assistant Adjutant-General, C. S. Army, Columbia, S. C.:

COLONEL: Your letter of the 23d instant has just been laid on my table, and I immediately answer the questions you propound.

First. It is proposed to send you a roll expurgated of such persons as are exempted by State laws, but not specially exempted by the exemption act of the Confederate Congress.

Second. The names of persons exempted by the local boards of exemption for physical disabilities will be returned to you, with the cause of exemption set down.

Third. The rolls being expurgated will not show causes for exemption except physical disability.

Fourth. The rolls are being prepared as rapidly as possible, and will I hope be sent to you prior to the 15th of June.

I have the honor to be, colonel, with great respect, your obedient servant,

WILMOT G. DE SAUSSURE,
Adjutant and Inspector General.

CAMP RANDOLPH,
Calhoun, Gordon County, Ga., [June 5, 1862?].
(Received 16th, 1862.)

Adjutant and Inspector General S. COOPER,
Richmond, Va.:

SIR: Since my last report stating the result of my interview with the Governor of Georgia I have the honor to inform you that I called

upon Major-General Pemberton, commanding Military Department of South Carolina and Georgia, who in compliance with my instructions on that point issued to Brig. Gen. A. R. Lawton, commanding District of Georgia, Special Orders, No. 61, a copy of which I inclose. Agreeably to said order I prepared a list of enrolling officers and their assistants for each Congressional district for the approval of General Lawton, who caused the same to be detailed and to report to me for instructions. And in conformity with the last clause of the said Order No. 61 I have instructed each district enrolling officer to employ not exceeding two competent conscripts to perform the enrolling duty under his direction and in accordance with instructions contained in my General Orders, No. 1, dated Savannah, May 31, 1862. I have also had printed in pamphlet form for the use of the enrolling and sub-enrolling officers the conscript act, General Orders, No. 30, and such other orders as are explanatory of the same, together with my General Orders, Nos. 1 and 2, copies of which you will also find under this cover.* The district enrolling officers have entered upon the discharge of their duties and are appointing sub-enrollers in each county, who will be furnished with the necessary documents and instructions. The sub-enrolling officers will immediately commence enrolling and forwarding the conscripts to camp of instruction No. 1, Camp Randolph, which, after due examination and a thorough investigation of all the connecting circumstances, I have located on the Western and Atlantic Railroad at Calhoun, Gordon County, in the upper part of the State.

It is my opinion that during the next ten days there will be assembled at camp about 6,000 troops organized into regiments, battalions, and companies, consisting of cavalry, artillery, and infantry, most of which are entirely unarmed and organized under many irregularities not strictly in accordance with authority and regulations. I shall report more fully the special organization, &c., of each after they are established at camp. I am of the opinion that the number of conscripts in the State will not exceed 5,000 or 6,000, which is not near enough to fill out the skeleton regiments already in the field. The authorities granted to individuals to organize regiments, &c., and the various constructions placed by them upon the decisions of the Departments regarding their power to continue to enlist volunteers will greatly diminish the number of conscripts, and will thereby frustrate in a measure the main object of the act, viz, the filling up of skeleton regiments already in the field. I shall decide, and shall so instruct my enrolling officers, that all volunteering and all claiming of bounty must forthwith cease, except such as is done in accordance with Article III, sections 8 and 9, of regulations, entitled "Volunteers for existing corps," to which I beg to call your special attention. This is my construction of the above-named article, based upon the reading of the article itself and upon decisions and orders since issued by the Department. I have selected and appointed my quartermaster, my commissary, and my adjutant, whom I desire to be commissioned without delay. The name of my quartermaster is J. Milton Moore, of Kentucky, formerly acting assistant quartermaster of the Department of the West, under Maj. R. Stevenson, quartermaster; the name of my commissary is William B. Davison, of Augusta, Ga. Each of them will shortly forward a bond for your approval. The name of my

*Not found as inclosures.

adjutant is Charles S. Hardee, late second lieutenant of the Tattnall Guards, an unattached company, stationed at Oglethorpe Barracks, Savannah, Ga. As most of the officers of the regiments, &c., which will report at once at camp are very deficient in a knowledge of tactics, and will need instruction, and as the conscripts will commence to report at camp by Monday, the 16th instant, I have selected a list of drill-masters whose names I respectfully submit to the Secretary of War, with the request that their commissions be forwarded at once. I shall order as many of them as I think will at present be necessary to report at camp without delay, and as fast as they arrive I will assign them to their respective duties.

I have the honor to be, general, your obedient servant,

JOHN DUNWODY,
Maj. and Asst. Adjt. Gen., Commanding Camp, &c.

[First indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
June 17, 1862.

Respectfully submitted to the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

[Second indorsement.]

ADJUTANT-GENERAL:

Nominate staff and appoint six first-named drill-masters with rank and pay of second lieutenants of infantry. Inform Major Dunwody that further appointments will be made if needed, but that an unnecessary number should not be appointed.

G. W. R.

[Inclosure No. 1.]

SPECIAL ORDERS, No. 61. HDQRS. DEPT. OF S. CAROLINA AND GA., *Charleston, May 28, 1862.*

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VII. Brig. Gen. A. R. Lawton, commanding Second Division, District of Georgia, will detail a commissioned officer for each Congressional district of Georgia, who will report for instructions to Maj. John Dunwody, Adjutant-General's Department, Provisional Army, C. S., charged by the War Department with the enrollment and mustering into service of such persons as are subject to military duty under the law usually known as the conscription act. In addition to the commissioned officers as specified above a reliable non-commissioned officer or private will be detailed to accompany each officer as an assistant. Major Dunwody is further authorized to cause to be detailed not to exceed two competent persons from those who shall have been enrolled in each county as additional assistants to the officers detailed for the district.

By order of Major-General Pemberton:

J. R. WADDY,
Assistant Adjutant-General.

[Inclosure No. 2.]

The Secretary of War is requested to forward without delay to camp of instruction No. 1, Camp Randolph, at Calhoun, Gordon County, Ga., commissions for the following necessary officers, viz:

Name.	Residence.	Office.	Rank.	Arm of service.
J. Milton Moore	Kentucky	Quartermaster	Captain	
William B. Davison	Augusta, Ga.	Commissary	do	
Charles S. Hardee	Savannah, Ga.	Adjutant	First lieutenant	Infantry.
Charles Green	Atlanta, Ga.	Drill-master	do	Do.
John L. Wing	Roswell, Ga.	do	do	Do.
John A. Lewis	Savannah, Ga.	do	do	Artillery.
Shaler G. Hillyer	Penfield, Ga.	do	do	Infantry.
William A. Bass	Atlanta, Ga.	do	do	Do.
R. Newton Hull	Waynesville, Ga.	do	do	Do.
G. W. Ranson	Calhoun, Ga.	do	do	Cavalry.
Edward W. Seabrook	Charleston, S. C.	do	do	Artillery.
James Clark	Augusta, Ga.	do	do	Infantry.
C. A. Withers	Atlanta, Ga.	do	do	Do.
Daniel G. Purse	Savannah, Ga.	do	Second lieutenant	Do.
C. A. Stone	Atlanta, Ga.	do	do	Do.
W. W. Brimm	Decatur, Ga.	do	do	Do.
G. Barrett	New Bridge, Ga.	do	do	Do.
Charles Pratt	Roswell, Ga.	do	do	Do.
Joseph A. Cotton	Powder Springs, Ga.	do	do	Do.
Joseph Thompson	Atlanta, Ga.	do	do	Do.

By order of Maj. John Dunwody, assistant adjutant-general and commandant of camp:

CHAS. S. HARDEE,
Adjutant of Camp, &c.

HEADQUARTERS CAMP OF INSTRUCTION,
Columbia, S. C., June 5, 1862.

General S. COOPER,
Adjutant and Inspector General C. S. Army, Richmond, Va.:

GENERAL: Referring to my communication dated the 4th of June, I have the honor to inclose you the reply of the Governor of South Carolina to my application for permission to employ State officers for enrolling under the conscription law.

Very respectfully, your obedient servant,

JNO. S. PRESTON,
Lieut. Col. and Asst. Adjt. Gen., Comdg. Camp of Instruction.

[Inclosure.]

HEADQUARTERS STATE OF SOUTH CAROLINA,
Columbia, June 4, 1862.

Lieut. Col. JOHN S. PRESTON,
Assistant Adjutant-General, C. S. Army:

SIR: By previous action of the State authorities an enrollment had been made for State conscription, and with a view to carry out the Confederate act new rolls, in anticipation of your application, have been ordered by the State, so as to discriminate between the Confederate and State conscripts, and are now being made out as rapidly as possible, so as to present to you a roll of persons liable to Confederate conscription. These rolls will be ready for presentation to you on the 15th of June, instant. It is hoped that this will meet your views, and that the rolls so prepared and tendered to you will be accepted.

I have the honor to be, very respectfully, your obedient servant,

F. W. PICKENS.

SELMA, ALA., *June 6, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War:

The undersigned, president of the Alabama and Mississippi Rivers Railroad Company, acting under instructions of the Board of Directors of said company, respectfully shows that it is indispensable for the early completion as well as efficient operation of the railroad under his charge to be supplied with iron spikes, chairs, and bolts required for the construction of the incomplete portion of the road, and in keeping the finished portion in repair. Iron is also required for repairs of machinery, especially iron tires for the wheels of locomotives, which on a portion of the locomotives have become so worn by constant use as to render them almost unfit for service, and without new tires these locomotives will ere long become entirely unfit for service. New locomotives cannot now be obtained in the Confederate States. Your memorialist has succeeded in procuring spikes sufficient for the construction of about one-third of the incomplete portion of the road, but there is no further supply within his reach. He has made application for the spikes and other iron necessary to the only iron manufactory where there seemed any prospect of procuring a supply—that is, the Shelby County Iron Manufacturing Company, a new company which is engaged in preparations for the extensive manufacture of iron. This company would agree to furnish the iron required, but say they are under obligation to deliver to the Government all the iron they will be able to make for the next twelve months beyond what will be required to fill certain contracts made prior to their contract with the Government; but that if permitted by the Government they will supply the iron required by the company of memorialist. This may be done without diminishing materially the supply of iron intended for the Government. As this is one of the roads deemed by Congress and the Government essential in military operations—"a military necessity"—it is unnecessary that the undersigned should speak of the importance of its completion, as his company is striving to do at the earliest day practicable, and that when completed its machinery should be in a condition to furnish promptly and regularly means for the heavy and constant transportation which will doubtless be required by the Government. To accomplish this a supply of iron is indispensable, and, as stated above, the only known source whence a supply can be obtained is the iron establishment referred to. Your memorialist therefore respectfully requests that permission be given to the Shelby County Iron Manufacturing Company to furnish this iron.

Most respectfully submitted.

G. G. GRIFFIN,
President.

By W. S. KNOX,
Secretary and Treasurer.

[First indorsement.]

CHIEF OF ORDNANCE:

To what extent can the Shelby County Iron Manufacturing Company be permitted to delay their contract with the Government in order to furnish iron for the railroad? It is of great importance, and we desire to complete it as rapidly as possible.

G. W. R.

[Second indorsement.]

Hon. Colin J. McRae having begun work at Selma, or near there, on the supposition of receiving this iron to be used there for Government purposes, and the contract having been made through him, the question will be referred to him. I have written to him on the subject.

J. GORGAS,
Colonel, &c.

CONFEDERATE STATES OF AMERICA, POST-OFFICE DEPT.,
Richmond, June 9, 1862.

Hon. G. W. RANDOLPH,
Secretary of War:

SIR: I find myself so much embarrassed in the management of the telegraph lines and the persons connected with them by orders directly to the president and superintendent of the lines from the War Department and from the generals in the field as to render it necessary for me to call your attention to the subject, and to request such orders from your Department as will enable me to discharge my duties in relation to telegraph matters without improper interference from others. By reference to "An act relative to telegraph lines of the Confederate States," approved May 11, 1861, you will see "that during the existing war the President is authorized and empowered to take such control of the lines of telegraph in the Confederate States, and of such officers connected therewith, as will enable him to effectually supervise the communications passing through the same." And the President is authorized to appoint agents in certain cases to build lines, to issue instructions to agents and operators, to employ operators and pay them, &c. I have been charged by the President with the performance of these duties. Requisitions from the War Department and from army officers for the building of lines, the establishment and discontinuance of offices, the appointment of operators and agents, and the disposition of materials, &c., should be made on this Department, and the orders for doing these things should go from it. No other Department or person has legal authority to do these things, yet in most instances the first I know of such orders is a notification from the president and superintendent of the lines that the War Department or some officer of the Army has made an order to build a line, establish an office, appoint an operator or agent, or take down a line, close an office, or some order for the transfer and use of the telegraph material, without any pre-existing legal order. So far I have recognized these acts in most instances by subsequent orders, but this course is so irregular and produces so much confusion and difficulty, by rendering it impossible for me to know from the books of the Department the condition of the lines, the number of operators or agents, and where they are, and where and in what condition the materials belonging to the Government are, as to render it necessary for me to call your attention to it. Without the observance of the law in these respects I can neither control nor understand the expenses of this service or settle the accounts growing out of it. The generals in the Southwest have gone even beyond what they do here, and have usurped the entire control of the telegraph lines, appointing agents and operators, &c., without any notice whatever to this Department. In view of these facts I beg you will issue an order to the officers of

the Army that when they wish lines built or removed, offices established or discontinued, or agents or operators appointed or removed, &c., they shall apply to this Department to have it done, or such other order as will in your judgment relieve me of the embarrassments above referred to.

Very respectfully, your obedient servant,

JOHN H. REAGAN,
Postmaster-General.

CANTON, GA., *June 9, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War:

DEAR SIR: The scarcity of salt and the difficulty in securing a supply is causing much uneasiness among the people of this State. Under these circumstances I have determined to do all in my power to secure a supply for our people, and thus prevent much suffering and distress. Through the agency of Hon. John W. Lewis, one of the Senators from this State in Congress, I have been able to secure the privilege of using a supply of water at the salt works in your State. I have also made preparation to engage actively in making salt in a few days. Senator Lewis, who is a gentleman of very superior practical sense and of great energy of character, has consented to take charge of the State's works at Saltville, and to devote much of his time to the business as a public benefit without compensation. He has a son, Baylis John Lewis, who is a young man of fine business habits, and would be of great value to him in the prosecution of the work. Baylis John Lewis is between the ages which subject him to conscription, but he is not a conscript, as he volunteered, and is now in service as a private in the company commanded by Capt. John P. Daniel, in Col. J. A. W. Johnson's regiment, now in camp at Camp McDonald, seven miles from Marietta. It is my wish and that of the Senator that his son be detailed to assist him in the manufacture of salt, while he himself is engaged in the business for the State. He does not wish him discharged from the service, but only detailed for the time and purpose above mentioned, after which he will return to his company and regiment in the service. While thus detailed Baylis would receive no compensation from the Confederacy, but would expect his pay to stop till his return to his company. I would esteem it a special favor to me and the State if you could grant this request. My family are here for the summer, and I am detained for a time on account of family affliction. Please direct your reply to me at this place, inclosing the necessary order, if the request of Senator Lewis and myself should receive your favorable consideration.

I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, TREASURY DEPT.,
Richmond, June 10, 1862.

W. H. YOUNG, Esq.,
President Bank of Columbus, Columbus, Ga.:

SIR: Inclosed I hand you a copy of an agreement between R. M. Davis, esq., president of the Bank of Louisiana, and myself in relation to the coin of that bank which has been seized by the Government and

is now deposited with you for safe-keeping. As prescribed in the terms of the agreement, you will please retain the coin until the Government orders otherwise.

Respectfully,

C. G. MEMMINGER,
Secretary of the Treasury.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, TREASURY DEPT.,
Richmond, June 9, 1862.

W. H. YOUNG, Esq.,
President Bank of Columbus, Columbus, Ga.:

SIR: The Secretary of the Treasury has informed me that the Government, in ordering the coin of the banks of Louisiana to be seized, had no other motive than to prevent its falling into the hands of the public enemy, and that he is satisfied that this result could not be attained in any other way. It has therefore been agreed between the Secretary on the part of the Government and myself on the part of the Bank of Louisiana that the coin of that bank, amounting to $2,539,798.79, now deposited with you for safe-keeping, shall so remain, and shall not be removed, except to some safer place, without the consent of the Government of the Confederate States.

Very respectfully, your obedient servant,

R. M. DAVIS,
President Bank of Louisiana.

Approved.

C. G. MEMMINGER,
Secretary of the Treasury.

RALEIGH, N. C., *June 10, 1862.*

General S. COOPER,
Adjutant and Inspector General:

SIR: I have the honor to report that I have selected a desirable location in this vicinity for a camp of instruction. I have applied to Governor Clark for permission to employ the enrolling officers of the State, and have the promise of his reply to-morrow. The enrollments have been furnished by the colonels of militia without compensation from the State. Please instruct me what compensation I can allow them for enrolling conscripts. Returns of sixty-three regiments have been furnished me by the Governor, footing up over 16,000 conscripts. This, however, will be greatly reduced by exempts and volunteers since enrolled. In order to save time, fill up the regiments now in the field as fast as possible, I purpose, with your approval, sending a commissioned officer and an assistant surgeon to each county (with the muster-roll furnished by the State as a check) to enroll, accept substitutes, examine and give certificates to all persons who may be exempt from disability. This will save transportation for many exempts who would otherwise be obliged to go to camp at great inconvenience to themselves and unnecessary expense to the Government. By dividing the State into sections the work can be accomplished with comparatively few officers. After enrollment, substitutes accepted, and certificates given to exempts at each precinct or muster ground, the conscripts will be sent immediately to camp for instruction and distribution. For enrolling officers I propose employing as far as

practicable those "sent by commandants of regiments with their muster-rolls to take charge of such recruits as may be furnished to said corps." This plan of operation which I take the liberty of proposing was suggested by General Holmes. I respectfully submit the same for your consideration. If approved I shall require five assistant surgeons for this duty, besides a surgeon to remain at camp. Numerous applications are made daily for the position of field-master. With your consent I will select and furnish you with a list for approval.

Waiting your further orders and instructions, I have the honor to be, your obedient servant,

PETER MALLETT,
Major and Assistant Adjutant-General.

GENERAL ORDERS, No. 42.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, June 11, 1862.

1. Provost-marshals are prohibited from taking cognizance of civil cases.

2. When martial law has been proclaimed the civil tribunals are authorized to take cognizance of civil cases to the extent of granting injunctions as usual, when it is necessary to prevent irreparable mischief; to make orders necessary to enforce the same, and to secure the custody of infants in persons entitled thereto; to decide suits for divorce, and to make necessary orders for alimony and personal safety of the parties; to recover rents and the possession of real estate and slaves.

3. Where the officers of the court cannot execute the judgments, decrees, and orders in the cases above mentioned they may be certified to the provost-marshal, who will receive instructions to carry them into effect.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

MONTGOMERY, *June 11, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War:

There are several counties in this State in which much disaffection exists. In these counties there will be great difficulty in enforcing the conscript act. I think I can manage it by obtaining from that section volunteers for companies in service on the 16th of April if you will authorize me to have them mustered in and to give them transportation to the companies they volunteer into. Important this should be acted on early.

JNO. GILL SHORTER,
Governor of Alabama.

[JUNE 11, 1862.—For Moore to Beauregard, in relation to the organization of Louisiana troops under the conscription law, see Series I, Vol. LIII, p. 812.]

RICHMOND, VA., *June 12, 1862.*

C. R. DICKSON,
Jackson, Miss.:

An article copied from the Raymond Gazette is calculated to create the impression that I have preserved my cotton when that of my neighbors was burned. I do not know what has been done, but do know that it is basely false that I have sought to preserve my cotton or given the ordinary attention to my private affairs. Please learn the facts and answer.

JEFFERSON DAVIS.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, June 12, 1862.

Hon. GEORGE W. RANDOLPH,
Secretary of War, Richmond, Va.:

SIR: The first section of the conscription act places in the military service of the Confederate States all the white males between the ages of eighteen and thirty-five years, and those in the twelve-months' regiments are continued in the service for the war, except those over thirty-five years, who are discharged after ninety days from the 16th of April, and there would appear no allusion to those enlisted for the war over thirty-five years. But in your letter to me of April 30 you use this language:

> I will accept the State troops in their present organization, to be received on the same footing with other regiments already in the Confederate service; the men over thirty-five to be discharged within ninety days from April 16, and their places supplied with enrolled conscripts.

Now, the term "State troops" we here have always applied exclusively to our first eleven regiments, which were enlisted for the war, and have always been in the service; and the regiments about which I had corresponded with you, and which you then alluded to as "State troops," had but then just organized, and had volunteered for the war (fifteen regiments). Between these we had organized and tendered twenty-eight regiments for twelve months, to which the wording of the conscript act clearly applied.

I don't know that you were aware that the regiments you alluded to as "State troops" were volunteers for the war, and therefore cannot determine whether you have decided to discharge those over thirty-five years who have enlisted or volunteered for the war. This decision affects a great many of the best-drilled soldiers in our regiments, who never made any calculation on a discharge till the publication of your letter of April 30, which seemed to embrace them so plainly. If there is any error in the application of your construction the sooner it is corrected the better, and therefore I invite your immediate attention to it, and publish it in your instructions immediately. I don't know what other States are affected by this, or to what extent; but it produced a very serious diminution in the quota of North Carolina troops now in service.

I have the honor to be, most respectfully,

HENRY T. CLARK.

Since writing this I have received yours of June 10, which settles the matter by saying, "Men over thirty-five years of age in regiments enlisted for the war are not discharged from service." This answers

it completely, but I deem it best that you should see my letter that you may see the error which has occurred. It was very apparent to me that you were not aware of the meaning attached here to "State troops." The term was used here for troops for the war in contradistinction to twelve-months' volunteers, and you will see by reference to your letter of April 30 that you directed the discharge of men in the State troops over thirty-five. It will occasion some disappointment, but it will soon be understood. If you think any publication necessary, your short letter to-day will be sufficient. I will try to correct this impression in our regiments.

H. T. C.

[Indorsement.]

The phrase "State troops" was intended for troops raised for State service and turned over to the Confederate service under the provisions of an act passed since the conscript law. I did not advert to the fact that in North Carolina this promise had been given to troops raised for the Confederate service. To them my letter was not intended to apply.

G. W. R.

GENERAL ORDERS, No. 43.

WAR DEPARTMENT, ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, June 13, 1862.*

I. With the consent and approbation of His Excellency Governor Letcher, all sheriffs, deputy sheriffs, and constables of the State of Virginia are authorized and requested to apprehend deserters from the Army, wherever they may be found, and to deliver them to an officer of the Army, at the most convenient post or station, or to lodge them in jail, and to report their names and regiments to General S. Cooper, Adjutant and Inspector General, Richmond. Thirty dollars will be paid for all deserters delivered to an officer, and $15 for each deserter lodged in jail. No allowance will be made for the expenses of apprehension and transportation. All jailers receiving deserters are requested to detain them. The usual allowance for the support of prisoners will be made.

II. Transfers from the line to partisan corps will not be permitted, and if any officer of partisan corps knowingly enlist them from the line, the authority to raise the partisan corps will be revoked, in addition to such punishment as a court-martial may inflict.

III. The attention of officers in command of forts and other positions is called to the necessity of making every exertion upon withdrawal to save the ammunition and powder under their control. The waste which has lately occurred on such occasions will, if continued, produce great mischief and possibly irreparable loss.

IV. All officers paying bounty to volunteers before having them examined by an Army surgeon or assistant surgeon, and duly mustered into the service, will be required to refund it themselves.

V. Commanders of regiments or other corps having medical officers will report the names of the surgeons and assistant surgeons who lose their surgical instruments, or who from any cause appear on the field without surgical instruments, or undertake to discharge their regimental duties without them.

VI. When vacancies occur among the company officers of reorganized regiments the brigade commander will announce in orders the

promotion of the officer next in rank in the company in which such vacancies exist, except in the cases covered by paragraph II of General Orders, No. 36, current series. A copy of the order will in all cases be furnished to this office for the approval of the Secretary of War.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 136. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, June 13, 1862.*

* * * * * * *

III. All further recruiting for partisan regiments, battalions, and companies in the Department of Henrico is hereby prohibited, and all recruiting officers found engaged in such service will be punished if it be continued.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
June 13, 1862.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: The general commanding desires information respecting arrangements made for procurement of conscripts in the different States to fill up the reduced ranks of regiments now in the field. Will you oblige him by giving information respecting camps already established, and the prospects of obtaining conscripts, if officers are sent to those camps?

I am, general, respectfully, your obedient servant,

R. H. CHILTON,
Assistant Adjutant-General.

[Indorsement.]

JUNE 14, 1862.

Respectfully submitted to Secretary of War with lists of camps of instruction.

S. COOPER,
Adjutant and Inspector General.

The following camps of instruction under the conscription act have been established: In Virginia: At Camp Lee, Richmond, Lieutenant-Colonel Shields commanding; at Dublin Station, Maj. James B. Dorman commanding. In North Carolina: At Raleigh, Maj. Peter Mallett commanding. In South Carolina: At Columbia, Lieut. Col. John S. Preston commanding. In Georgia (no station named): Maj. John Dunwody commanding. In Alabama (no station yet named): Maj. William G. Swanson commanding. In Texas (no station yet named): Maj. Thomas M. Jack, commanding. In Louisiana: At Opelousas,

Major Marigny commanding. In Florida (no station named yet): Officer recommended by General Finegan—name not remembered. Has he not been appointed? In Mississippi (tendered to Colonel Falconer): Not heard from. In Tennessee (suspended in East Tennessee): No appointment made. In Arkansas (no appointment made). Send General Lee copies of instructions, Order No. 30, and subsequent letter. Inform him that several regiments and companies have been disbanded and the men between eighteen and thirty-five retained; that officers have been authorized in many cases to enroll; that no report of number enrolled has yet been received, although enrollment is known to be going on.

MONTGOMERY, ALA., *June 13, 1862.*

General G. T. BEAUREGARD,
Headquarters, near Corinth, Miss.:

MY DEAR GENERAL: When the half million of coin belonging to the Canal Bank was seized by military authority at Jackson on the 18th ultimo I immediately sent two dispatches by reliable merchants of New Orleans to Monroe and Shreveport, advising the detention of the coin of the Citizens' or other banks whose coin it was said had been taken to the latter place. On yesterday I received a letter from Hon. C. H. Morrison, of Monroe, dated the 23d ultimo, in which he states that he had dispatched, advising the seizure, to three or four of the prominent and loyal citizens of Shreveport, from which I infer that the coin at that place will be seized. The bank presidents did agree with General Butler in good faith to bring their coin back to their vaults, as the copies of correspondence in my possession between them and General Butler proves, to the lasting shame of those gentlemen. All the coin of the banks that was sent out of the city on the left bank of the Mississippi is in possession of the Government, or placed beyond the possibility of being carried to the city. I deposited here on the 30th ultimo to the credit of the Secretary of the Treasury $1,700,000, which included the coin seized at Columbus, Miss., and $500,000 seized at Jackson. The coin in the Bank of Louisiana, $2,500,000, had already been taken to Columbus, Ga., by permission of the Government.

With best wishes for your health, I remain, very respectfully, your obedient servant,

F. H. HATCH.

[JUNE 13, 1862.—For Moore to Randolph, in relation to the organization of partisan rangers in Louisiana, see Series I, Vol. LIII, p. 813.]

HEADQUARTERS CAMP OF INSTRUCTION,
Columbia, S. C., June 13, 1862.

General COOPER,
Adjutant and Inspector General C. S. Army, Richmond, Va.:

GENERAL: I am daily expecting the conscript enrollment made by the State authorities to be handed to me. It is made according to State laws, differing materially from Confederate laws. Referring to my notes of the 5th and 6th, I ask, shall I accept the enrollment thus

made? If not, shall I proceed instantly to employ Confederate officers to make the enrollment? Should you make the order for this proceeding I request that you will order the officers at once to report to me. I venture to suggest that I can make the enrollment in this way and get forward the conscripts as early as by accepting the roll, and at less expense to the Government and less inconvenience to the people.

I have the honor to be, very respectfully, your obedient servant,

JNO. S. PRESTON,

Lieutenant-Colonel, Commanding Camp of Instruction.

ATLANTA, *June 17, 1862.*

Hon. G. W. RANDOLPH,

Secretary of War:

Your enrolling officers have enrolled several of the State officers of the militia, who will not be permitted to be carried away from their commands. You stated in your letter of the 20th [ultimo] that no State officer is liable to enrollment, and asked me to call your attention to it if done. Please send me by telegraph an order for release of all such who have been enrolled, and direct Major Dunwody to stop the enrollment of State officers, or I shall order the arrest of each officer who arrests a State officer. I wish an immediate reply.

JOS. E. BROWN.

(Repeated June 19 from Marietta, Ga.)

RICHMOND, *June 17, 1862.*

His Excellency Governor BROWN,

Atlanta:

Members of the companies who were in the State service on the 16th of April will not be interfered with. I have no authority to exempt from enrollment persons between eighteen and thirty-five years of age who were not in the State service on that day, unless they are executive or judicial officers.

G. W. RANDOLPH,

Secretary of War.

GENERAL ORDERS, No. 44.

WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, June 17, 1862.

I. At the expiration of their term of service all paroled prisoners who are not enlisted for the war will have their names dropped from the muster-rolls and will be discharged the service of the Confederate States. The commissions of the officers will expire with the terms of their men.

II. No persons, other than those authorized by the commanding general of an army or the commanding officers of districts under martial law, shall be recognized as agents for taking possession of private property. These agents, before making any impressments, shall present their written authority, and when they take property their receipts shall designate the officer who is to pay for it.

III. Congress having conferred on the President the right, during the existing war, "to take such control of the lines of telegraph in the Confederate States, and of such offices connected therewith as will enable him effectually to supervise the communications passing through the same," and to exercise other powers in reference to telegraph lines, and the President having charged the Postmaster-General with the discharge of these duties, requisitions for building lines, the establishment and discontinuance of offices, the appointment of operators and agents, the disposition of material, &c., must be addressed to the Postmaster-General, and officers are prohibited from exercising these powers.

IV. To prevent misconception in reference to the discharge of men under eighteen and over thirty-five years of age, under the conscript act, the Army is informed that only such persons as have not re-enlisted for three years or the war will be entitled to their discharge on the 16th of July next. Those of the ages above mentioned who have so re-enlisted, whether they are in twelve-months' regiments or war regiments, are not entitled to discharge until they have served out their term of enlistment.

V. Regimental medical officers, when in charge of patients brought to general hospitals or in the vicinity of the same, will turn them over to the surgeons in charge and return without delay to their legitimate duties.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, *June 18, 1862.*

His Excellency Governor BROWN,
Atlanta, Ga.:

Major Dunwody has been directed not to enroll militia officers recognized by State authorities as in commission. Request him to show you his instructions. If you attempt to get men to fill up the Georgia regiments now, in the face of the enemy, you will cause great mischief. I think we might as well drive out our common enemy before we make war on each other.

G. W. RANDOLPH,
Secretary of War.

RICHMOND, *June 20, 1862.*

His Excellency Governor BROWN,
Marietta, Ga.:

I telegraphed, in reply to your first telegram, that I had ordered Major Dunwody not to enroll any militia officer recognized as in commission by the State authorities; that you might see his instructions if you wished; that you would cause great mischief by arresting men engaged in filling the ranks of Georgia regiments in the face of the enemy, and that we had better get rid of our common enemy before we commence a war upon each other.

GEO. W. RANDOLPH,
Secretary of War.

ATLANTA, *June 21, 1862.*

His Excellency JEFFERSON DAVIS,
President, &c.:

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 29th ultimo in reply to mine of the 8th of the same month, which reached my office at Milledgeville on the 8th instant, together with a copy of the written opinion of the Attorney-General, and has since been forwarded to me at Canton, where I was detained by family affliction. Your reply, prepared after mature deliberation and consultation with a Cabinet of distinguished ability who concur in your view of the constitutionality of the conscription act, doubtless presents the very strongest argument in defense of the act of which the case is susceptible. Entertaining as I do the highest respect for your opinions and those of each individual member of your Cabinet, it is with great diffidence that I express the conviction, which I still entertain after a careful perusal of your letter, that your argument fails to sustain the constitutionality of the act; and that the conclusion at which you have arrived is maintained by neither the contemporaneous construction put upon the Constitution by those who made it, nor by the practice of the United States Government under it during the earlier and better days of the Republic, nor by the language of the instrument itself, taking the whole context and applying to it the well-established rules by which all constitutions and laws are to be construed. Looking to the magnitude of the rights involved and the disastrous consequences which I fear must follow what I consider a bold and dangerous usurpation by Congress of the reserved rights of the States and a rapid stride toward military despotism, I very much regret that I have not in the preparation of this reply the advice and assistance of a number equal to your Cabinet of the many eminent citizens who, you admit, entertain with me the opinion that the conscription act is a palpable violation of the Constitution of the Confederacy. Without this assistance, however, I must proceed individually to express to you some views in addition to those contained in my former letters and to reply to such points made by you in the argument as seem to my mind to have the most plausibility in sustaining your conclusion. The sovereignty and independence of each one of the thirteen States at the time of the adoption of the Constitution of the United States will not, I presume, be denied by any, nor will it be denied that each of these States acted in its separate capacity as an independent sovereign in the adoption of the Constitution. The Constitution is therefore a league between sovereigns. In order to place upon it a just construction we must apply to it the rules which by common consent govern in the construction of all written constitutions and laws. One of the first of these rules is to inquire what was the intention of those who made the Constitution. To enable us to learn this intention it is important to inquire what they did and what they said they meant when they were making it. In other words, to inquire for the contemporaneous construction put upon the instrument by those who made it and the explanations of its meaning by those who proposed each part in the convention which induced the convention to adopt each part. I incorporated into my last letter a number of quotations from the debates of prominent members of the convention upon the very point in question, showing that it was not the intention of the convention to give to Congress the unlimited control of all the men able to bear arms in the States, but that it was their intention to reserve to the States the control over those who composed their militia by retaining to the States the appointment of the officers

to command them even while employed in the service of the Confederate States. I might add many other quotations containing strong proofs of this position from the debates of the Federal convention and the action of the State conventions which adopted the Constitution, but I deem it unnecessary, as you made no allusion to the contemporaneous construction in your reply and I presume you do not insist that the explanations of its meaning given by those who made it sustain your conclusion. I feel that I am fully justified by the debates and the action of the Federal and State conventions in saying that it was the intention of the thirteen sovereigns to constitute a common agent with certain specific and limited powers to be exercised for the good of all the principals, but that it was not the intention to give the agent the power to destroy the principals. The agent was expected to be rather the servant of several masters than the master of several servants. I apprehend it was never imagined that the time would come when the agent of the sovereigns would claim the power to take from each sovereign every man belonging to each able to bear arms and leave them with no power te execute their own laws, suppress insurrections in their midst, or repel invasions.

In reference to the practice of the United States Government under the Constitution, I need only remark that I do not presume it will be contended that Congress claimed or exercised the right to compel persons constituting the militia of the States by conscription or compulsion to enter the service of the General Government without the consent of their State government at any time while the Government was administered or its councils controlled by any of the fathers of the Republic who aided in the formation of the Constitution. If, then, the constitutionality of the conscription act cannot be established by the contemporaneous construction of the Constitution nor by the earlier practice of the Government while administered by those who made the Constitution, the remaining inquiry is, can it be established by the language of the instrument itself, taking the whole context and applying to it the usual rules of construction which were generally received and admitted to be authoritative at the time it was made. The Constitution in express language gives Congress the power to raise and support armies. You rest the case here and say you know of but two modes of raising armies, to wit, by voluntary enlistment and by draft or conscription, and you conclude that the Constitution authorizes Congress to raise them by either or both these modes. To enable us to arrive at an intelligent conclusion as to the meaning intended to be conveyed by those who used this language it is necessary to inquire what signification was attached to the terms used at the time they were used; and it is fair to infer that those who used them intended to convey to the minds of others the idea which was at that time usually conveyed by the language adopted by them. Apply this rule and what did the convention mean by the term to raise armies? I prefer that the Attorney-General should answer. He says in his written opinion:

> Inasmuch as the words militia, armies, regular troops, and volunteers had acquired a definite meaning in Great Britain before the Revolutionary War, and as we have derived most of our ideas on this subject from that source, we may safely conclude that the term militia in our Constitution was used in the sense attached to it in that country.

Upon this statement of the Attorney-General rests his definition of the term militia, which is an English definition; and upon that definition rests all that part of your argument which draws a distinction,

however unsubstantial, between calling forth the militia by authority of Congress, and calling forth all men in the State who compose the militia by the same authority. In the one case you term it calling forth the militia and admit that the State has the right to appoint the officers; in the otner case while every man called forth may be the same you term it raising an army and deny to the State the appointment of the officers. As this is necessary to sustain the constitutionality of the conscription act you cannot disapprove the statement of the Attorney-General above quoted. If, then, the Attorney-General is right that the terms militia, armies, regular troops, and volunteers had acquired a definite meaning in Great Britain before the Revolutionary War and we have derived most of our ideas on this subject from that source, and if we may safely conclude that the term militia in our Constitution was used in the sense attached to it in that country, is it not equally safe to conclude that the terms armies and to raise armies, having acquired a definite meaning in Great Britain before the Revolutionary War, were used in our Constitution in the same sense attached to them in that country? At that period the Government of Great Britain had no conscription act and did not raise armies by conscription; therefore the convention which made our Constitution having derived most of their ideas on this subject from that source, it is safe to conclude that they used the term to raise armies in the sense attached to it in that country. It necessarily follows, the Attorney-General being the judge, that your conclusion is erroneous and that Congress has no power to raise armies, not even her regular armies, by conscription. But as those who framed the Constitution foresaw that Congress might not be able by voluntary enlistment to raise regular or standing armies sufficiently large to meet all emergencies or that the people might refuse to vote supplies to maintain in the field armies so large and dangerous, they wisely provided in connection with this grant of power another relating to the same subject-matter and gave Congress the additional power to call forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions. In this connection I am reminded by your letter that Congress has power to declare war, which you say embraces the right to declare offensive as well as defensive war; and you argue, as I understand, that the militia can only be called forth to repel invasions and not to invade a foreign power, and that Congress would be powerless to redress our wrongs or vindicate our honor if it could not raise armies by conscription to invade foreign powers. If this were even so it might be an objection to the constitutional government for want of sufficient strength, which is an objection often made by those who favor more absolute power in the General Government and who attempt by a latitudinarian construction of the Constitution to supply powers which were never intended to be given to it. But does the practical difficulty which you suggest in fact exist? I maintain that it does not. And I may here remark that those who established the Government of our fathers did not look to it as a great military power whose people were to live by plundering other nations in foreign aggressive war, but as a peaceful Government, advised by the Father of his Country to avoid entangling alliances with foreign powers. But you suppose after our independence is established that our present enemy may be tempted to abuse his naval power by depredation on our commerce and that we may be compelled to assert our rights by offensive war, and you

ask, "How is it to be carried on? Of what is the army to be composed?" The answer is a very simple one. If the aggression is such as to justify us in the declaration of offensive war, our people will have the intelligence to know it and the patriotism and valor to prompt them to respond by voluntary enlistment and to offer themselves under officers of their own choice, through their State authorities, to the Confederacy, just as they did in the offensive war against Mexico when many more were offered than were needed, without conscription or coercion; and just as they have done in our present defensive war when almost every State has responded to every call by sending larger numbers than were called for and larger than the Government can arm and make effective.

There is no danger that the honor of the intelligent free-born citizens of this Confederacy will ever suffer because the Government has not the power to compel them to vindicate it. They will hold the Government responsible if it refuses to permit them to do it. To doubt this would seem to be to doubt the intelligence and patriotism of the people and their competency for self-government. It would be very dangerous indeed to give the General Government the power to engage in an offensive foreign war, the justice of which was condemned by the governments of the States and the intelligence of the people, and to compel them to prosecute it for two years, the term for which appropriations can be made and continued by the Congress declaring it. Hence the wisdom of our ancestors in limiting the power of Congress over the militia or great body of our people so as to prohibit the prosecution by conscription or coercion of an offensive foreign war which may be condemned by an intelligent public opinion. France has a conscription act, which Great Britain has not. Both are warlike powers, often engaged in foreign offensive wars. What advantage has the conscription law given to France over Great Britain? Has not the latter been as able as the former to raise armies sufficient to vindicate her honor and maintain her rights? When France had no conscription law at one period of her history she was a republic. Soon after she had a conscription law she became an empire and her ruler an emperor, leaving her people without the constitutional safeguards which protect the people of Great Britain. But you ask, "Shall we never be plaintiff in this terrible litigation of nations?" If the litigation commends itself to the intelligence of the people as just, they will not hesitate to put themselves at the command of the Government to assume the plaintiff's position. The eagerness with which the people of the Confederacy now desire that we assume the plaintiff's position and become the attacking and invading party, instead of acting constantly upon the defensive, is evidence to sustain my conclusion on this point. That those who framed the Constitution looked to a state of war as tending to concentrate the power in the Executive, and as unfavorable to constitutional liberty and did not intend to encourage it, unless in cases of absolute necessity, and did not, therefore, form the Government with a view to its becoming a power often engaged in offensive war, may be inferred from the language of Mr. Madison. He says:

War is in fact the true nurse of Executive aggrandizement. In war a physical force is to be created and it is the Executive will which is to direct it. In war the public treasures are to be unlocked and it is the Executive hand which is to dispense them. In war the honors and emoluments of office are to be multiplied and it is the Executive patronage under which they are to be enjoyed. It is in war, finally, that laurels are to be gathered and it is the Executive brow they are

to encircle. The strongest passions and most dangerous weaknesses of the human breast—ambition, avarice, vanity, the honorable or venial love of fame—are all in conspiracy against the desire and duty of peace. (See Federalist, p. 452.)

In connection with this remark of Mr. Madison, it may not be amiss to add one from Mr. Calhoun. That great and good man, who may justly be styled the champion of State rights and constitutional liberty, in the first volume of his works, page 361, while speaking of the war which was forced upon Mr. Madison, while President, by Great Britain, says:

It did more, for the war, however just and necessary, gave a strong impulse adverse to the Federal and favorable to the national line of policy. This is indeed one of the unavoidable consequences of war and can be counteracted only by bringing into full action the *negatives* necessary to the protection of the *reserved powers*. These would of themselves have the effect of preventing wars so long as they could be honorably and safely avoided, and, when necessary, of arresting, to a great extent, the *tendency of the Government to transcend the limits of the Constitution during its prosecution* and of correcting all departures after its termination. It was by force of the tribunitial power that the plebeians retained for so long a period their liberty in the midst of so many wars.

I beg to call special attention to the portions of the above quotation which I have italicized. Having rested the constitutionality of the conscription act upon the power given to Congress to raise armies, you enunciate a doctrine which, I must be pardoned for saying, struck me with surprise; not that the doctrine was new, for it was first proclaimed I believe almost as strongly by Mr. Hamilton in the Federalist, but because it found an advocate in you, whom I had for many years regarded as one of the ablest and boldest defenders of the doctrines of the State rights school in the old Government. Your language is:

I hold that when a specific power is granted by the Constitution, like that now in question, to raise armies, Congress is the judge whether the law passed for the purpose of executing that power is necessary and proper.

Again you say:

The true and only test is to inquire whether the law is intended and calculated to carry out the object, whether it devises and creates an instrumentality for executing the specific power granted; and if the answer be in the affirmative, the law is constitutional.

From this you argue that the conscription act is calculated and intended to raise armies, and therefore constitutional. I am not aware that the proposition was ever stated more broadly in favor of unrestrained Congressional power by Webster, Story, or any other statesman or jurist of the Federal school. This is certainly not the doctrine of the Republican party of 1798 as set forth in the Virginia and Kentucky resolutions. The Virginia resolutions use the following language, that—

It (the General Assembly of Virginia) views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a *deliberate, palpable*, and *dangerous exercise* of *other powers* not granted by said compact, *the States* who are parties thereto *have the right* and are *in duty bound to interpose for arresting the progress of the evil*, and for *maintaining* within their respective limits the *authorities, rights*, and *liberties appertaining to them*. That the General Assembly doth also express its deep regret that a spirit has in sundry instances been manifested by the Federal Government *to enlarge its powers by a forced construction of the constitutional charter which defines them;* and that indications have appeared of a design to expound *certain general phrases*—which, having been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued—so as to destroy the meaning and effect of the particular enumeration

which *necessarily explains and limits the general phrases so as to consolidate the States by degrees into one sovereignty*, the obvious tendency and inevitable result of which would be to transform the present republican system of the United States into an absolute, or at least a mixed, monarchy.

The following quotations are from the Kentucky resolutions, drawn up by Mr. Jefferson himself (the italics as in the last quotation are my own):

That the several States composing the United States of America are not united on the principle of *unlimited submission* to the General Government, but that by a compact under the style and title of a Constitution of the United States and of amendments thereto they constituted a General Government for special purposes—delegated to that Government certain definite powers, *reserving each State to itself the residuary mass of right to their own self-government;* that whensoever the General Government *assumes undelegated powers its acts are unauthoritative, void, and of no force;* that to this compact each State acceded as a State and is an integral party, its co-States forming as to itself the other party; *that the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to it, since that would have made its discretion* and not the Constitution the *measure of its powers;* but that, as in all other cases of compact among parties having *no common judge*, each has an equal right to *judge for itself as well of infractions as of the mode and measure of redress.*

And again:

That the construction applied by the General Government (as evinced by sundry of their proceedings) to those parts of the Constitution of the United States which delegate to Congress a power to lay and collect taxes, duties, imposts, and excises; to pay the debts and *provide for the common defense* and general welfare of the United States, and to make all laws necessary and proper for carrying into execution the powers vested by the Constitution in the Government of the United States or any Department thereof, *goes to the destruction of all the limits prescribed to their power by the Constitution;* that words meant by that instrument to be *subsidiary only to the execution of the limited powers ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken as to destroy the whole residue of the instrument.*

But let us examine your doctrine a little further and see whether it can be reconciled to the construction lately put upon the Constitution by the States composing the Confederacy over which you preside, and the action lately taken by them. The Constitution of the United States gives Congress the power to provide for calling forth the militia to suppress insurrections. Carry out your doctrine and Congress must, of course, be the judge of what constitutes an insurrection as well as of the means necessary and proper to be used in executing the specific powers given to Congress to suppress it. Georgia, claiming that the Congress of the United States had abused the specific powers granted to it and passed laws which were not necessary and proper in executing these specific powers which were injurious to her people, and claiming to be herself the judge, seceded from the Union. Congress denied her power or right to do so, and acting upon the doctrine laid down by you, Congress, claiming to be the judge, proceeded to adjudicate the case and determined that the action of Georgia amounted to an insurrection and passed laws for its suppression. Among others they have passed a law, if we may credit the newspapers, which authorizes the President to arm our negroes against us. Congress will no doubt justify this act under the specific power given to it by the Constitution to raise armies, as the armies as well as the militia may be used to suppress insurrection and execute the laws. Apply the test laid down by you and inquire, is this law calculated and intended to carry out the object—the suppression of the insurrection and the execution of the laws of the United States in Georgia? And does it devise and create an instrumentality for executing the specific power granted? Congress,

the judge, answers the question in the affirmative. Therefore the law is constitutional. Again, suppose you are right and Congress has the constitutional power to raise armies by conscription and without the consent of the States to compel every man in the Confederacy between eighteen and thirty-five years old, able to bear arms, to enter these armies, you must admit that Congress has the same power to extend the law and compel every man between sixteen and sixty to enter. And you must admit that the grant of power is as broad in times of peace as in times of war, as there is in the grant no language to limit it to times of war. It follows that Congress has the absolute control of every man in the State whenever it chooses to execute to the full extent the power given it by the Constitution to raise armies. How easy a matter it would have been, therefore, had the Congress of the United States understood the full extent of its power, to have prevented in a manner perfectly constitutional the secession of Georgia and Mississippi from the Union. It was only necessary to pass a conscription law declaring every man in both States able to bear arms to be in the military service of the United States and that each should be treated as a deserter if he refused to serve; and that Congress, the judge, then decide this law was necessary and proper and that it created an instrumentality for the execution of one of the specific powers granted to Congress to provide for the execution of the laws of the Union in the two States or to provide for raising armies. This would have left the States without a single man at their command; without the power to organize or use military force and without free men to constitute even a convention to pass an ordinance of secession. If it is said the people of the States would have refused to obey this law of Congress and would have gone out in defiance of it, it may be replied that this would have been revolution and not peaceful secession, the right for which we have all contended—though our enemies have not permitted us to part with them in peace—the right for which we are now fighting. Your doctrine carried out not only makes Congress supreme over the States at any time when it chooses to exercise the full measure of its power to raise armies, but it places the very existence of the State governments subject to the will of Congress. The conscription act makes no exception in favor of the officers necessary to the existence of the State government, but in substance declares that they shall all enter the service of the Confederacy at the call of the President under officers which are in future to be appointed by the President. As already remarked, Congress has as much power to extend the act to embrace all between sixteen and sixty as it had to take all between eighteen and thirty-five. If the act is constitutional, it follows that Congress has the power to compel the Governor of every State in the Confederacy, every member of every Legislature of every State, every judge of every court in every State, every officer of the militia of every State and all other State officers to enter the military service as privates in the armies of the Confederacy under officers appointed by the President at any time when it so decides. In other words, Congress may disband the State governments any day when it, as the judge, decides that by so doing it creates an instrumentality for executing the specific power to raise armies. If Congress has the right to discriminate and take only those between eighteen and thirty-five, it has the right to make any other discrimination it may judge necessary and proper in the execution of the power, and it may pass a law in time of peace or war, if it should conclude the State governments are an evil, that all State officers, executive, legislative, judicial,

and military, shall enter the armies of the Confederacy as privates under officers appointed by the President, and that the Army shall from time to time be recruited from other State officers as they may be appointed by the States. To state the case in different form: Congress has the power under the twelfth paragraph of the eighth section of the first article of the Constitution to disband the State governments and leave the people of the States with no other government than such military despotism as Congress in the exercise of the specific power to raise armies (which I understand you to hold is a distinct power to be construed separately) may, after an application of your test, judge to be best for the people. For, as all the State officers which I mention might make effective privates in the armies of the Confederacy and as the law passed to compel them to enter the service might create an instrumentality for executing the specific power to raise armies, Congress, the judge, need only so decide and the act would be constitutional. I may be reminded, however, that Congress passed an exemption act after the passage of the conscription act, which exempts the Governors of the States, the members of the State Legislatures, the judges of the State courts, &c., from the obligations to enter the military service of the Confederacy as privates under Confederate officers. It must be borne in mind, however, that this very act of exemption by Congress is an assertion of the right vested in Congress to compel them to go when Congress shall so direct, as Congress has the same power to repeal which it had to pass the exemption act. All the State officers, therefore, are exempt from conscription by the grace and special favor of Congress and not by right, as the governments of the independent States whose agent and not master Congress has been erroneously supposed to be. If this doctrine be correct, of what value are State rights and State sovereignty? In my former letter I insisted under the general rule that the twelfth, fifteenth, and sixteenth paragraphs of the section under consideration, all relating to the same subject-matter, should be construed together. While your language on this point is not so clear as in other parts of your letter, I understand you to take issue with me here. You say:

> Nothing can so mislead as to construe together and as one whole the carefully separated clauses which define the different powers to be exercised over distinct subjects by Congress.

These are not carefully separated clauses which relate to different powers to be exercised over distinct subjects. They all relate to the same subject-matter, the authority given to Congress over the question of war and peace. They all relate to the use of armed force by authority of Congress. If, therefore, Coke, Blackstone, and Mansfield, of England, and Marshall, Kent, and Story, of this country, with all other intelligent writers on the rules of construction, are to be respected as authority, there can, it would seem, be no doubt of the correctness of the position that these three paragraphs, together with all others in the Constitution which relate to the same subject-matter, are to be construed together as one whole. Construe them together and the general language in one paragraph is so qualified by another paragraph upon the same subject-matter that all can stand together, and the whole when taken together establishes to my mind the unsoundness of your argument and the fallacy of your conclusion. But I must not omit to notice your definition of the term militia and the deductions which you draw from it. You adopt the definition of the Attorney-General that the militia are a body of soldiers in a State enrolled for discipline. Admit, for the purpose of the argument, the

correctness of the definition. All persons, therefore, who are enrolled for discipline under the laws of Georgia constitute her militia. When the persons thus enrolled (the militia) are employed in the service of the Confederate States the Constitution expressly reserves to Georgia the appointment of the officers. The conscription act gives the President the power by compulsion to employ every one of those persons between eighteen and thirty-five in the service of the Confederate States and denies to the State the appointment of a single officer to command them while thus employed. Suppose Congress at its next session should extend the act so as to embrace all between eighteen and forty-five, what is the result? The body of soldiers in the State enrolled for discipline are every man employed in the service of the Confederacy and the right is denied to the State to appoint a single officer, when the Constitution says she shall appoint them all. Is it fair to conclude, when the States expressly and carefully reserved the control of their own militia by reserving the appointment of the officers to command them, that they intended under the general grant of power to raise armies to authorize Congress to defeat the reservation and control the militia with their officers by calling the very same men into the field, individually and not collectively, organizing them according to its own will, and terming its action raising an army and not calling forth the militia? Surely the great men of the Revolution, when they denied to the General Government the appointment even of the general officers to command the militia when employed in the service of the Confederacy, did not imagine that the time would come so soon when that Government, under the power to raise armies, would claim and exercise the authority to call into the field the whole militia of the States individually, and deny to the States the appointment of the lowest lieutenant, and justify the act on the ground that Congress did not choose to call them into service in their collective capacity, and deny that they were militia if called into service in any other way. If Congress has the power to call forth the whole enrolled force or militia of the States in the manner provided by the conscription act there is certainly no obligation upon Congress ever to call them forth in any other manner, and it rests in the discretion of Congress whether or not the States shall ever be permitted to exercise their reserved right, as Congress has the power in every case to defeat the exercise of the right by calling forth the militia under a conscription act and not by requisitions made upon the States. It cannot be just to charge the States with the folly of making this important reservation, subject to any such power in Congress to render it nugatory at its pleasure. Again you say:

> Congress may call forth the militia to execute Confederate laws; the State has not surrendered the power to call them forth to execute State laws. Congress may call them forth to repel invasion; so may the State, for it has expressly reserved this right. Congress may call them forth to suppress insurrection, and so may the State.

If the conscription law is to control, and Congress may, without the consent of the State government, order every man composing the militia of the State out of the State into the Confederate service, how is the State to call forth her own militia, as you admit she has reserved the right to do, to execute her own laws, suppress an insurrection in her midst, or repel an invasion of her own territory? Could it have been the intention of the States to delegate to Congress the power to take from them, without their consent, the means of self-preservation by depriving them of all the strength upon which their very existence depends?

After laying down the position that the citizens of a State are not her militia, and affirming that the militia are a body organized by law, you deny that the militia constitute any part of the land or naval forces, and say they are distinguished from the land and naval forces; and you further say they have always been called forth as bodies organized by the States with their officers; that they do not become part of the armies raised by Congress, but remain militia; and that when they had been called forth and the exigencies which provoked the call had passed, they went home again. The militia when called forth are taken from the body of the people to meet an emergency or to repel invasion. If they go in as bodies organized by the States, you hold that they go in militia, remain militia, and when the exigency is passed they go home militia; but if you call forth the same men by the conscription act for the same purpose and they remain for the same length of time and do the same service they are not militia, but the armies of the Confederacy, part of the land or naval force. In connection with this part of the subject you use the following language:

> At the present moment, when our very existence is threatened by armies vastly superior in numbers to ours, the necessity for defense has induced a call, not for the whole militia of all the States, not for any militia, but for men to compose armies for the Confederate States.

In the midst of such pressing danger why was it that there was no necessity for any militia? In other words, no necessity for any bodies of men organized by the States, as were many of the most gallant regiments now in the Confederate service, who have won on the battle-field a name in history and laurels that can never fade? Were no more such bodies organized by the States needed because the material remaining within the States of which they must be composed was not reliable? The conscription act gives you the very same material. Was it because the officers appointed by the States to command the gallant State regiments and other organized bodies sent by the States were less brave or less skillful than the officers appointed by the President to command similar organized bodies? The officers appointed by the States who now command regiments in the service will not fear to have impartial history answer this question. Was it because you wished select men for the armies of the Confederacy? The conscription act embraces all without distinction between eighteen and thirty-five able to do military duty and not legally exempt. You do not take the militia. What do you take? You take every man between certain ages of whom the militia is composed. What is the difference between taking the militia and taking all the men who compose the militia? Simply this: In one case you take them with their officers appointed by the States as the Constitution requires, and call them by their proper name, militia, employed in the service of the Confederate States; in the other case you take them all as individuals, get rid of the State officers, appoint officers of your own choice, and call them the armies of the Confederacy. And yet these armies, like you say the militia do, will go home when the exigency has passed, as it is hoped they are not expected to be permanent like the regular armies of the Confederacy, or, in other words, like the land and naval forces provided for in the Constitution, from which you distinguish the militia. Indeed, the similarity between these armies of the Confederacy called forth in an emergency to repel an invasion, to be disbanded when the emergency is passed, and the militia or bodies of troops organized and officered by the States, called forth for the same purpose, to be composed of the same material, and disbanded at the

same time, is most remarkable in everything except the name and the appointment of the officers. Excuse me for calling your attention to another point in this connection. As you admit that the militia have always been called forth as bodies organized by the States, and when thus called forth that the States have always appointed the officers, I presume you will not deny that when the President, by authority of Congress, has made a call upon the State for organized bodies of soldiers and they have been furnished by the State from the body of her people, they have entered the service as part of the militia of the State employed in the service of the Confederate States under the fifteenth and sixteenth paragraphs of the eighth section of the first article of the Constitution. Your message to Congress recommending its passage shows that there was no necessity for the act to enable you to get troops, as you admit that the Executives of the States had enabled you to keep in the field adequate forces, and also that the spirit of resistance among the people was such that it needed to be regulated and not stimulated. You say:

> I am happy to assure you of the entire harmony of purpose and cordiality of feeling which have continued to exist between myself and the Executives of the several States, and it is to this cause that our success in keeping adequate forces in the field is to be attributed.

Again you say:

> The vast preparations made by the enemy for a combined assault at numerous points on our frontier and sea-coast have produced the result that might have been expected. They have animated the people with a spirit of resistance so general, so resolute, and so self-sacrificing that it requires rather to be regulated than to be stimulated.

If, then, the Executives of the States by their cordial co-operation had enabled you to keep in the field adequate forces, and the spirit of resistance was as high as you state, there was no need of a conscription act to enable you to raise armies. Since the invasion of the Confederacy by our present enemy you have made frequent calls upon me as Governor of this State for organized bodies of troops. I have responded to every call, and sent them as required, organized according to the laws of the State and commanded by officers appointed by the State, and in most instances fully armed, accoutered, and equipped. These bodies were called forth to meet an emergency and assist in repelling an invasion. The emergency is not yet passed, the invasion is not yet repelled, and they have not yet returned home. If your position be correct they constitute no part of the land or naval forces, as they were not organized nor their officers appointed by the President, as is the case with the armies of the Confederacy, but they were called forth as bodies organized and their officers appointed by the States. Hence they are part of the militia of Georgia employed in the service of the Confederate States, as provided by the two paragraphs of the Constitution above quoted, and by paragraph 16 of section 9 of the first article, which terms them militia in actual service in time of war or public danger. They entered the service with only the training common to the citizens of the State. They are now well-trained troops. But having gone in as bodies organized by the State or as militia, you say they remain militia and go home militia. In this case we seem to agree that the State under the express reservation in the Constitution has the right to appoint the officers. I have the written opinion of Mr. Benjamin, then Secretary of War, about the time of the last call for twelve regiments, concurring in this view and recognizing this right of the State. And it is

proper that I should remark that the State has in each case been permitted to exercise this right when the troops entered the service in compliance with a requisition upon the State for organized bodies of troops. The right does not stop here, however. The Constitution does not say the State shall appoint the officers while the organizations may be forming to enter the service of the Confederacy, but while they may be employed in the service of the Confederate States. Many thousands are now so employed. Vacancies in the different offices are frequently occurring by death, resignation, &c. The laws of this State provide how these vacancies are to be filled, and it is not to be done by promotion of the officer next in rank, except in a single instance, but by election of the regiment and commission by the Governor. The right of the State to appoint these officers seems to be admitted, and is indeed too clear to be questioned. The conscription act, if it is to be construed according to its language and the practice which your generals are establishing under it, denies to the State the exercise of this right, and prescribes a rule for selecting all officers in future unknown to the laws of Georgia, and confers upon the President the power to commission them. Can this usurpation (I think no milder term expresses it faithfully) be justified under the clause in the Constitution which gives Congress power to raise armies? And is this part of the act constitutional? If not, you have failed to establish the constitutionality of the conscription act.

The fourteenth paragraph of the ninth section of the first article of the Constitution of the Confederate States declares that "a well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." This was no part of the original Constitution as reported by the convention and adopted by the States. But the convention of a number of the States having at the time of their adopting the Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, Congress at the session begun and held at the city of New York on Wednesday, the 4th of March, 1789, proposed to the Legislatures of the several States twelve amendments, ten of which only were adopted. The second amendment was the one above quoted, which shows very clearly that the States were jealous of the control which Congress might claim over their militia, and required on this point a further restrictive clause than was contained in the original Constitution. The sixteenth paragraph of the preceding section expressly reserves to the States the authority of training the militia according to the discipline prescribed by Congress. In connection with this you admit that the States reserved the right to call forth their own militia to execute their own laws, suppress insurrections, or repel invasions. This authority to call them forth would have been of no value without the authority to appoint officers to command them and the further authority to train them, as they cannot without officers and training be the well-regulated militia which the Constitution says is necessary to the security of a free State. The conclusion would seem naturally to follow that the States did not intend by any general words used in the grant of power to give Congress the right to take from them, as often as appointed, the officers selected by them to train and regulate their militia and prepare them for efficiency when they may be called forth to support the very existence of the State. The conscription act embraces

so large a proportion of the militia officers of this State as to disband the militia in the event they should be compelled to leave their commands. This would leave me without the power to reorganize them, as a vacancy can only be created in one of these offices by resignation of the incumbent, or by the voluntary performance of some act which amounts to an abandonment of his command, or by a sentence of a court-martial dismissing him from office. The officer who is dragged from his command by conscription or compulsion and placed in the ranks is in neither category, and his office is no more vacated than the office of a judge would be if he were ordered into military service without his consent. And unless there be a vacancy I have no right to fill the place either by ordering an election or by a brevet appointment. I have no right in either case to commission a successor so long as there is a legal incumbent. Viewing the conscription act in this particular as not only unconstitutional, but as striking a blow at the very existence of the State by disbanding the portion of her militia left within her limits when much the larger part of her arms-bearing people are absent in other States in the military service of the Confederacy, leaving their families and other helpless women and children subject to massacre by negro insurrection for want of an organized force to suppress it, I felt it an imperative duty which I owed the people of this State to inform you in a former letter that I could not permit the disorganization to take place nor the State officers to be compelled to leave their respective commands and enter the Confederate service as conscripts. Were it not a fact well known to the country that you now have in service tens of thousands of men without arms and with no immediate prospect of getting arms, who must remain for months consumers of our scanty supplies of provisions, without ability to render service, while their labor would be most valuable in their farms and workshops, there might be the semblance of a plea of necessity for forcing the State officers to leave their commands with the homes of their people unprotected and go into camps of instruction under Confederate officers often much more ignorant than themselves of military science or training. I must, therefore, adhere to my position and maintain the integrity of the State government in its executive, legislative, judicial, and military departments as long as I can command sufficient force to prevent it from being disbanded and its people reduced to a state of provincial dependence upon the central power. If I have used strong language in any part of this letter I beg you to attribute it only to my zeal in the advocacy of principles and a cause which I consider, no less than the cause of constitutional liberty, imperiled by the erroneous views and practice of those placed upon the watchtower as its constant guardians.

In conclusion, I beg to assure you that I fully appreciate your expressions of personal kindness, and reciprocate them in my feelings toward you to the fullest extent. I know the vast responsibilities resting upon you, and would never willingly add unnecessarily to their weight or in any way embarrass you in the discharge of your important duties. While I cannot agree with you in opinion upon the grave question under discussion, I beg you to command me at all times when I can do you a personal service, or when I can, without a violation of the constitutional obligations resting upon me, do any service to the great cause in which we are all so vitally interested.

Hoping that a kind Providence may give you wisdom so to conduct the affairs of our young Confederacy as may result in the early achieve-

ment of our independence and redound to the ultimate prosperity and happiness of our whole people,

I have the honor to be, very respectfully, your obedient servant,

JOSEPH E. BROWN.

P. S.—Since the above letter was written I see, somewhat to my surprise, that you have thought proper to publish part of our unfinished correspondence. In reply to my first letter you simply stated on the point in question that the constitutionality of the act was derivable from that paragraph in the Constitution which gives Congress the power to raise and support armies. I replied to that letter with no portion of your argument but the simple statement of your position before me. You then, with the aid of your Cabinet, replied to my second letter, giving the argument by which you attempt to sustain your position, and, without allowing time for your letter to reach me and a reply to be sent, you publish my second letter and your reply, which is your first argument of the question. I find these two letters not only in the newspapers, but also in pamphlet form, I presume by your order, for general circulation. While I cannot suppose that your sense of duty and propriety would permit you to publish part of an unfinished correspondence for the purpose of forestalling public opinion, I must conclude that your course is not the usual one in such cases. As the correspondence was an official one upon a grave constitutional question, I had supposed it would be given to the country through Congress and the Legislature of the State; but as you have commenced the publication in this hasty and, as I think, informal manner, you will admit that I have no other alternative but to continue it. I must, therefore, request as an act of justice that all newspapers which have published part of the correspondence insert this reply.

J. E. B.

RICHMOND, *June 21, 1862.*

Major DUNWODY,
Calhoun, Gordon County, Ga.:

Governor Brown complains that your subordinates are enrolling militia officers. Order them to desist from it. Send a copy of your instructions on this point to the Governor and notify him by telegraph of your action.

G. W. RANDOLPH,
Secretary of War.

MARIETTA, *June 23, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War, Richmond, Va.:

As Major Dunwody's subordinates in different parts of the State do not seem to regard your orders to him, please direct him to give them the necessary instructions to stop the enrollment of the officers of the militia. I agree with you fully that we should unite all our energies to drive out the common enemy and not make war among ourselves. I am most happy, therefore, that the Confederate Government has decided to respect the constitutional rights of the State so far as not

to force her to the alternative of permitting any department of her constitutional government to be disbanded and destroyed, or to defend the existence and integrity of her government by force.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., June 24, 1862.

Hon. G. W. RANDOLPH,
Secretary of War:

SIR: I have had no reply to my letter of the 30th ultimo, and to-day have to report the arrival of Maj. William G. Swanson, supervisor and commandant of the camps of conscription to be established in this State. He calls upon me to furnish enrolling officers of the State, and exhibits the instructions from General Cooper, in which he is directed to "allow for enrolling conscripts the compensation allowed for enrolling the militia of the State." Unfortunately for an efficient enrollment of conscripts there is no compensation allowed by our laws for the enrollment of the militia of the State, and the ordinary enrolling militia officers, even if they were still in their places at home, would not be efficient for the work. I propose, in order to dispatch the business and at the same time to secure thorough work, to subdivide the State into ten or eleven divisions and appoint a superintending enrolling officer for each division, with the rank and pay of captain of infantry. These officers will be directed to appoint not exceeding three enrolling officers in each county, with the rank and pay of first and second lieutenants. The ranking officer of the county will be returning officer for the county to the captain of the division, who will consolidate and report the returns to the superintendent and commandant of the camp. In some of the counties not more than one or two enrolling officers will be found necessary. It is important to fix the basis of action and compensation at once before we begin, inasmuch as competent men at this season of the year are not disposed to undertake this work, thankless and delicate as it may be considered, without knowing beforehand that they are to be compensated for their labor, and the amount of that compensation. I therefore deem it important to invite your approval of the plan herein suggested, and to advise me in case of approval as to the mode in which the compensation to enrolling officers will be made, so I may fully communicate particulars to officers at the time of their appointment. I shall await your reply before I make any appointments, which I am willing to do to aid the cause in which we are all engaged. I have no information as to Major Johnston's assignment as quartermaster. Should he be rejected, I ask to be consulted in reference to the appointment to be made in that department.

Your obedient servant,

JNO. GILL SHORTER.

P. S.—I beg to add that while it may be troublesome to the State to undertake the enrollment, I am persuaded that it can be more efficiently made by our own officers than by imported officers from the Army, unknown to the people, some of whom will be apt, from their manner and bearing, to give occasion to complaints, and tend to render the execution of the conscript law obnoxious to the people.

J. G. S.

[Indorsement.]

Am much obliged to the Governor for his assistance, and will be glad to avail myself of it so far as the law permits. Under the act application must be made for the enrolling officers of the States, and if they cannot be procured, or there are none, the Confederate States Government is to appoint agents. The commandants by general orders have been directed to make application for details from the nearest general, and have done so in other cases. If General Forney can make such details from Alabama regiments it will cost less, and probably be as efficient a system as any other. Major Swanson will report upon his plans, and the Department will bespeak for him the assistance of the Governor. In all the States, and by virtue of a general order, the nomination of a quartermaster and commissary has been given to the commandant of the camps of instruction. In Alabama this was so far departed from as to order a quartermaster on the nomination of the Governor. If Major Johnston has not arrived he probably could not be spared by General Bragg.

[G. W. RANDOLPH.]

DEMOPOLIS, *June 25, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War, Richmond, Va.:

SIR: Captain Thomson, of the staff of General Bragg, had an interview here yesterday with the president and directors of the Alabama and Mississippi Rivers Railroad Company, and submitted his authority from the general to take military possession of the road, so as to complete the balance of the work necessary to make the connection between Selma and Meridian. The Board adopted a resolution expressing their unqualified assent to any course the Government or military authorities might deem it best to take in regard to the completion of the road, with a proviso that they were not to be understood as thereby making the stockholders liable for any extra expenditure of money in completing the work, over and above allowing fair prices for such work as might be useful to the stockholders after the Government might cease to use and control the road. A copy of this resolution was furnished to Captain Thomson. An inquiry was made of the Board by Captain Thomson as to whether they were under any contract with the Government to finish the road within any specified time, and within what time they could finish it for use with the aid of the Congressional appropriation of $150,000. The reply of the Board was that they had entered into no contract to finish the road within any specified time, but had bound themselves faithfully to apply such means as the company had, and also the $150,000, toward the completion of the road, and to use all proper diligence and activity to accomplish the object. They candidly admitted that in the existing state of things they could not complete the road for use even with the aid of the $150,000. Agreeing that the road was essential to the military wants of the Government, they were ready to yield to whatever course the public authorities might deem best. The Board say they applied to Congress for the $150,000 in August, 1861, when railroad iron was low, and with the aid of this amount they could, as matters then stood, have finished the road, but that before Congress thought proper to give the aid railroad iron and materials had nearly doubled in price, and that now there is none on market. The idea of

the Board seems to be that while they could not purchase iron and materials and obtain the labor necessary to finish the road at once, the Government could take such things and pay for them and push the work through without much delay. There is much public spirit among the people on the route of the road, and if it is understood to be a work of military necessity and under military control, negro labor to any reasonable extent can now be had at fair prices, and iron from the Cahaba and Marion road and the Pensacola road sufficient to complete the work could be taken. Since I have been here I have given the road attention in every way I could, but the company was the ruling power, and I could only act within the limits they might prescribe. The work has not progressed as rapidly as I wished, but some allowances are to be made for the want of better progress. In the first place, the company have been obliged to use their stock notes in place of money to obtain laborers. They have, as I now learn, in their expenditures anticipated about $50,000 of the $150,000 advance. As to this, however, they will inform you.

I have under your authority taken for the use of the road from the Cahaba, Marion and Greensborough road 55,367 pounds spikes, 3,810 pounds bolts and nuts, 17,636 pounds fish bars, 1,276 bars of railroad iron already delivered, and some 300 to 400 more yet to be obtained, the weights of all of which will be furnished so soon as the delivery is completed. These articles, I take it for granted, will have to be paid for by the Alabama and Mississippi Rivers Railroad Company out of the advance of the $150,000. It is for you to decide whether this work is to go on under the control of the company or whether under absolute military control. In the event the line via Mobile should fall into possession of the enemy this route would be obliged to be used for the support of our army in Mississippi. Our rivers are now, owing to continued dry weather, almost reduced below the point of navigation. In my last letter I suggested that if the road was to be finished under absolute military authority the company ought not to receive the $150,000. They will, as I now learn, desire at all events to receive so much of this advance as they have already expended. The orders from General Bragg to Captain Thomson in regard to the work have, I learn, been suspended for the present. Please favor me with your decision upon the question as to whether the road is to be completed under the orders of General Bragg or by the company, and with any instructions you may think proper to give for my future guidance. The company propose to send you by special messenger a certified copy of the mortgage. I am advised that, according to the laws of this State, a copy certified is of equal validity with the original, where the original has been lost, and that the loss of the note will cause no difficulty, for the reason that the mortgage itself recites and acknowledges the debt, and this acknowledgment is evidence sufficient. The grain crops in this part of the country are very extensive as to acres and were most promising until recently. The want of rain has injured them.

Very respectfully,

A. S. GAINES,
Special Agent.

[Indorsement.]

Have received the mortgage but not the bond conditioned for the faithful application of the money. It cannot be paid until this comes, and all expenses incurred heretofore must be paid out of it. There is no other appropriation out of which the expenses can be

paid. You will, therefore, return the iron unless the company assumes the debt.

STATE OF FLORIDA, EXECUTIVE DEPARTMENT,
Tallahassee, June 25, 1862.

Hon. GEORGE W. RANDOLPH,
Secretary of War, Richmond, Va.:

SIR: I would most respectfully invite your attention to the necessity of preventing cotton from being exported during the continuance of the war. The ability of the Confederate Government to command the respect and force the recognition of the European governments and to maintain the war successfully depends very much upon the proper control or destruction of cotton. Some months ago I was opposed to vessels leaving Apalachicola with cotton and turpentine, but the Secretary of War and the Secretary of the Navy advised, or rather consented to, their doing so, and of six which left the port five were captured, and the benefit accruing from the only vessel which escaped was, if I am correctly informed, enjoyed exclusively by a few Yankee speculators. Since then other vessels have left our ports with cotton and have returned with coffee, salt, and other articles, for which they have charged our citizens the most exorbitant prices, and having brought in some dry goods which were evidently manufactured in the United States, a suspicion which I had entertained and expressed was strengthened; and after patient inquiry of several months the evidence is such as to admit of no doubt that individuals residing in New York, Havana, New Orleans, and other Southern cities have formed mercantile copartnerships, and for some time past, under pretensions of loyalty to and great sympathy for the South, have realized heavy profits by the most villainous and treacherous arts of traffic. Partners in New York send merchandise to Havana, where, or in transitu, the merchandise is exchanged for cotton sent by partners from Southern ports, and the exchange is made by the management of partners at Havana or Nassau, and this traffic is not unknown to those in command of blockading vessels. By such base means not only cotton is obtained at New York and other Northern cities, but information prejudicial to our best interest is obtained, our slaves are enticed away, and ignorant citizens corrupted by the Southern partners, men of Northern birth or villainous Jews, professing to be doing much to supply the people of the South with salt, coffee, and other articles much desired, if not absolutely needed. My opinion is, no more vessels should be allowed to leave the ports or coast of Florida laden with cotton, and that when vessels shall come into our ports or upon our coast, not bringing arms or munitions of war, but articles of merchandise for which exorbitant prices shall be asked, and cotton shall be sought after by them, the merchandise should be seized and sold at auction, the vessels burned or confiscated, and the officers and proprietors hung as spies, and their crews placed in close confinement. A few weeks ago cotton which was taken from the South was placed upon the mail steamers Columbia and Roanoke at sea and sent to New York, and the great majority of those who under pretenses of friendship and even loyalty to the South are engaged in the exporting of cotton, dispose of it in transitu, or through partners after it shall be landed, for the benefit of the United States.

I have the honor to be, very respectfully,

JOHN MILTON.

[Indorsement.]

Acknowledge the receipt of the letter and reply that the Department has no legal authority to stop exportation of cotton, except for the purpose of keeping it out of the hands of the enemy.

G. W. R.

SPECIAL ORDERS, No. 147. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, June 26, 1862.*

* * * * * * *

XIV. All persons in the employ of the Southern Express Company, the services of whom the president of the company will certify to be indispensable, will be exempted from the operation of the conscript act so long as they continue in the said employment.

* * * * * * *

By command of the Secretary of War:

JOHN WITHERS,
Assistant Adjutant-General.

[JUNE 27, 1862.—For proclamation of the Governor of Virginia (Letcher), calling for a force of 10,000 men for the defense of the Commonwealth, see Series I, Vol. LI, Part II, p. 581.

NASSAU, NEW PROVIDENCE, *June 28, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War, Richmond:

SIR: My last dispatch was under date of the 2d ultimo on the eve of my departure for Bermuda, whence I have but just returned, having been detained much longer than I expected. I succeeded, however, in the object of my voyage, which was to extricate the steamer Herald from the embarrassing predicament she had been placed in by the rascally conduct of her captain; but this could not be accomplished without much trouble and delay. After dispatching her to Nassau I came on in the steamer Leopard, another fast paddle-boat intended for the service between here and Charleston. She is to leave about the 18th proximo, when tide and moon will suit. On my return Capt. John N. Maffitt, C. S. Navy, handed me your dispatch of the 11th of April in which you confer on him full authority to take the entire control of all vessels laden with arms and munitions of war for the Confederate States which he may meet with on his present voyage, taking the requisite steps for getting their cargoes safely into the Confederacy, and instructing me to act in concert with him in all matters touching his commission.

During my absence you have been advised by Mr. J. B. Lafitte of the various shipments of arms and munitions of war for your Department, some of which I regret to say have fallen into the enemy's hands, including those by the Ella Warley, the Elizabeth, and the Nassau, whilst the shipment per Cecile was lost by the wreck of the vessel. A portion of the latter was saved and sold at auction yesterday, and on conferring with Mr. Lafitte we thought it best to purchase the larger part, although damaged, as the prices were sufficiently low

to make it an object. The small-arms and accouterments can readily be made serviceable, whilst the cannon are in good order, and the carriages, harness, &c., mostly in a condition to be rendered available. Besides these some mustard and medicine was bought, the whole of which Mr. Lafitte intends shipping by a schooner, this mode of conveyance being justified by the low prices at which the various articles were bought. We paid for the six cannon $125 each; for the small-arms $1.50 to $3 each; accouterments $1.50 to $3.25 per box, &c. If you should desire to take this shipment for account of the War Department please advise Messrs. John Fraser & Co. on receipt of this. Otherwise the venture will go forward at Mr. Lafitte's risk.

A Mr. Hart, who acts here for S. Isaac, Campbell & Co., of London, has applied to me to know whether the Government would feel disposed to purchase certain shipments by the steamer Columbia, now daily expected, and the steamer Sylph, due in about three weeks. The former has two batteries of eight guns each complete, and the latter a similar cargo. It appears that these guns are from the Vienna Arsenal, and were approved of by Captain Huse. The London parties made a contract to deliver them into the Confederacy at a certain price, but are now apprehensive of the danger of running the blockade, and would sell them here at a proportionately low figure. You may well imagine I did not hold out the slightest encouragement that a proposition which strips their agreement of almost every risk would be entertained, but at the solicitation of Mr. Hart I submit the matter to your consideration. The Oreto still remains under seizure, but the proceedings instituted for her release are now complete and will be pushed forward vigorously. Our complaint was filed in court this morning, and the libel may be put in to-day or on the 30th. On the 1st of July our counsel will argue on the law points, and his opinion is that the case will be thrown out before going to trial. There is no doubt that we shall gain the case, but hints have been thrown out that the captain of the Greyhound will appeal from the decision to the admiralty court in England. This would result in serious delay, but I am of the opinion that he will hesitate to involve himself in a proceeding which, if adversely decided, must entail on him most serious injury, both professional and pecuniary.

The Thos. L. Wragg, which sailed hence on the 20th, was compelled to return yesterday to Turtle Bay, about forty-six miles from here, short of coal. She was discovered making for Charleston Harbor and chased back by three steamers for twenty-four hours. The requisite coal will be dispatched this afternoon, and she will try it again on the 1st of July, I hope with better success. I have transmitted by this opportunity to the State Department copies of three communications from Lord Lyons to the Governor of these islands in relation to the capture of the steamers Bermuda and Ella Warley. I have shipped by the steamer Herald the following goods ex Melita:

Rifles, bayonets, molds, and nippers	cases	40
Knapsacks and accouterments	do	9
Knapsacks with mess tins	do	33
Accouterments and waist belts	do	1
Cavalry saddlery, combs, sponges, &c	do	6
Horse artillery harness and sponges, &c	do	6
Powder (for the Navy Department)	kegs	606
Printing materials (for the Treasury Department)	cases	62
	barrel	1

I am, very respectfully, your obedient servant,

L. HEYLIGER.

Consolidated abstract from returns of the Confederate forces on or about June 30, 1862.

[Compiled from such returns as are on file in the War Department.]

Command.	Present for duty.		Aggregate present.	Aggregate present and absent.	Date of return.
	Officers.	Men.			
Department (or Army) of Northern Virginia (Lee). *a*	3,586	53,890	78,891	119,242	July 20, 1862.
Department of Henrico (Winder)	.....	.....	.....	.....	No return.
Department of North Carolina (Holmes).	1,012	16,493	21,196	26,826	July 15, 1862.
Department of South Carolina and Georgia (Pemberton).	1,436	21,939	29,783	35,656	June 30, 1862.
Department of East Tennessee (Smith). *b*	946	12,512	16,303	24,895	Do.
Department of Southwestern Virginia (Loring).	.....	.....	.....	.....	No return.
Department No. 2 (Bragg)	3,493	41,667	61,561	96,549	July 1, 1862.
Department of Middle and Eastern Florida (Finegan).	106	2,190	2,686	3,390	June 30, 1862.
District of the Gulf (Forney)	448	6,330	9,127	10,618	Do.
Trans-Mississippi Department *c*	221	3,674	4,599	10,873	May 31 and June 30, 1862.
Army of New Mexico (Sibley)	.....	.....	.....	.....	No return.
Total	11,248	158,695	224,146	328,049	

a Exclusive of the troops from the Department of North Carolina serving in Virginia and accounted for in the return of the Department of North Carolina (Holmes), dated July 15, 1862; also the divisions of Jackson and Ewell, the forces in the Shenandoah Valley and Northwestern Virginia, for all of which there are no returns of an approximate date.

b Allston's cavalry brigade not reported.

c South of Red River commanded by Brig. Gen. P. O. Hébert, and north of that river by Maj. Gen. Thomas C. Hindman. The only returns on file of date approximating June 30, 1862, are for the District of the Lower Rio Grande (Luckett), June 30, and the Department of Indian Territory (Pike), May 31.

Principal officials of the War Department and its bureaus from February 18, 1861, to June 30, 1862.

[Compiled from official records.]

SECRETARY OF WAR.

Leroy P. Walker, February 21 to September 16, 1861.

Judah P. Benjamin, November 21, 1861, to March 17, 1862. (Was also Acting Secretary of War from September 17, 1861, to November 21, 1861, and from March 18, 1862, to March 23, 1862.)

George W. Randolph, from March 24, 1862.

ASSISTANT SECRETARY OF WAR.

Robert Ould.

Albert T. Bledsoe.

CHIEF OF THE BUREAU OF WAR.

Albert T. Bledsoe.

R. G. H. Kean.

ADJUTANT AND INSPECTOR GENERAL.

Brig. Gen. Samuel Cooper, March 16, 1861. (Was promoted to the rank of general August 31, 1861, to date from May 16, 1861.)

QUARTERMASTER-GENERAL.

Lieut. Col. Abraham C. Myers, acting from March 25, 1861, to December, 1861, and subsequently as Quartermaster-General. (Was promoted to the rank of colonel February 15, 1862.)

COMMISSARY-GENERAL OF SUBSISTENCE.

Lieut. Col. Lucius B. Northrop, acting from March 27, 1861. (Was promoted to the rank of colonel and Commissary-General June 21, 1861, to date from March 16, 1861.)

SURGEON-GENERAL.

Surg. Samuel P. Moore, March 16, 1861.

CHIEF OF ENGINEER BUREAU.

Maj. Josiah Gorgas, acting from April 8, 1861, to August 3, 1861.

Maj. Danville Leadbetter, acting to November 11, 1861.

Capt. A. L. Rives, acting from November 13, 1861.

CHIEF OF BUREAU OF ORDNANCE.

Maj. Josiah Gorgas, April 8, 1861. (Was promoted to lieutenant-colonel to rank from March 16, 1861.)

SUPERINTENDENT OF NITER BUREAU.

Maj. Isaac M. St. John.

Capt. Richard Morton.

Maj. Isaac M. St. John.

COMMISSIONER OF INDIAN AFFAIRS.

Hon. David Hubbard.

ALTERNATE DESIGNATIONS

OF

ORGANIZATIONS MENTIONED IN THIS VOLUME.

Alternate designation in black-faced type, the official designation, reference, or State to which organization belongs follows in *italics*.

Adams Light Guard Batt., Inf., *Mississippi.*
Attala Guards, Inf., *Mississippi.*
Balfour's (J. W.) **Inf.,** *6th Miss. Batt.*
Bate's (W. B.) **Inf.,** *2d Tenn. (Prov. Army).*
Bates' (J.) **Inf.,** *13th Tex.*
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